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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Follow-up to and implementation of the Vienna Declaration and Programme of Action

National institutions for the promotion and protection of human rights*

Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 27/18, which requested the Secretary-General to report on the implementation of that resolution. The report, which covers the period from September 2014 to August 2016, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions; cooperation between those institutions and the international human rights system; and support provided by OHCHR to the Global Alliance of National Human Rights Institutions — the former International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights — and relevant regional networks. The report should be read in conjunction with the report of the Secretary-General on the activities of Global Alliance in accrediting national institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (A/HRC/33/36).

* The annexes to the present report are circulated as received, in the language of submission only.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 27/18, in which it requested the Secretary-General to report to the Council at its thirty-third session on the implementation of that resolution.

2. The present report outlines progress achieved since the previous relevant report of the Secretary-General (A/HRC/27/39), between September 2014 and August 2016. It should be read in conjunction with the report of the Secretary-General to the Human Rights Council on the activities of the Global Alliance of National Human Rights Institutions — the former International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights — in accrediting national institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (A/HRC/33/36).

3. In resolution 27/18, the Human Rights Council reiterated the important role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the development of independent and effective national human rights institutions in accordance with the Paris Principles. It also recognized the potential for strengthened and complementary cooperation among OHCHR, the Global Alliance of National Human Rights Institutions, regional coordinating committees of national institutions and national institutions. The Council also emphasized the role of independent national institutions for the promotion and protection of human rights in working together with their governments to ensure full respect for human rights at the national level, including by contributing, as appropriate, to follow-up to the recommendations of international human rights mechanisms.

4. The Council encouraged the Secretary-General to continue to give high priority to Member States' requests for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles.

II. Support of the Office of the United Nations High Commissioner for Human Rights to national human rights institutions

A. Advisory services

5. The National Institutions, Regional Mechanisms and Civil Society Section of OHCHR is responsible for the coordination of the activities of the Office to establish and/or strengthen national human rights institutions. Together with OHCHR field presences, other United Nations entities, in particular the United Nations Development Programme (UNDP) and regional networks of national human rights institutions, OHCHR assists governments in establishing national human rights institutions and/or contributes to building the capacity of such institutions. In that context, OHCHR works closely with regional intergovernmental organizations, academic institutions, civil society organizations and other stakeholders.

6. OHCHR provides national human rights institutions and other stakeholders with technical and legal assistance, particularly regarding constitutional and legislative frameworks relating to the establishment, nature, functions, powers and responsibilities of institutions. It also conducts and supports comparative analyses, technical cooperation projects, needs assessments and evaluation missions to establish and strengthen the capacity of national human rights institutions to discharge their mandate effectively.

7. During the period under review, OHCHR provided advice and/or assistance on the strengthening of human rights institutions in Afghanistan, Argentina, Armenia, Azerbaijan, Barbados, Bosnia and Herzegovina, Burundi, Cameroon, Chad, Chile, Colombia, the Congo, Croatia, Egypt, El Salvador, Ethiopia, Georgia, Guatemala, Haiti, Honduras, Iraq, Ireland, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Libya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mongolia, Myanmar, Nicaragua, Nigeria, Oman, Panama, Paraguay, Peru, the Philippines, the Republic of Moldova, the Russian Federation, Rwanda, Senegal, Serbia, Sierra Leone, Slovakia, South Africa, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Uganda, Ukraine, the United Republic of Tanzania, Zambia and the State of Palestine, as well as Kosovo.[1]

8. OHCHR also provided assistance to activities aimed at the establishment of national human rights institutions in Angola, Bahrain, Benin, Botswana, Brazil, Burkina Faso, Cabo Verde, the Comoros, the Democratic Republic of the Congo, Fiji, the Gambia, Guinea, Jamaica, Kuwait, Lesotho, Malta, the Niger, Norway, Samoa, Saudi Arabia, Seychelles, Somalia, South Sudan, Swaziland, Turkey, Turkmenistan, the United Arab Emirates, Uruguay, Vanuatu, Yemen and Zimbabwe.

I. Africa

9. During the period under review, the OHCHR regional offices for Central, East, Southern and West Africa, the OHCHR country offices in Burundi, Guinea and Uganda, the human rights advisers to the United Nations country teams in Chad, Kenya, Madagascar, Malawi, Mozambique, the Niger, Nigeria, Rwanda, Sierra Leone, the United Republic of Tanzania and Zambia, and the human rights components of the United Nations missions in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Mali, Somalia, South Sudan and the Sudan (in Darfur) continued, in consultation with the National Institutions, Regional Mechanisms and Civil Society Section, to provide advice on and assistance in the establishment and/or strengthening of national human rights institutions in Africa.

(a) Legislative advice

10. In 2014 and 2015, OHCHR provided legislative advice on and financial support in drafting a new enabling law for the National Human Rights Commission of Senegal.

11. OHCHR provided advice and guidance with regard to the laws establishing national human rights institutions in Angola, Botswana, Lesotho, Burkina Faso, Cabo Verde, Chad, the Gambia and Somalia, and to improve the existing law in Mauritius.

12. In 2015, in Madagascar, OHCHR supported advocacy and awareness-raising activities on the law adopted on the establishment of the national human rights institution.

(b) Capacity-building

13. In 2014 and 2015, OHCHR provided technical assistance to a UNDP-funded project that supported the National Human Rights Commission of Nigeria in conducting investigations and developing a mechanism for systematic human rights monitoring and reporting. Support was also provided to the Commission to monitor human rights issues in the context of the electoral process.

[1] All references to Kosovo in the present report, whether to the territory, institutions or population, are to be construed in the context of Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

14. In November 2014, OHCHR provided technical advice to the Human Rights Commission of Swaziland in the context of a human rights needs assessment mission.

15. In Burundi, OHCHR provided advice and support to the National Independent Human Rights Commission, including for the establishment of its regional offices and training for its new members, elected in April 2015.

16. In August 2015, in cooperation with the Human Rights Commission of Zambia, OHCHR organized a workshop on economic, social and cultural rights. OHCHR and the Commission also conducted joint activities on sexual health and reproductive rights within the framework of a partnership between them and the United Nations Population Fund.

17. In August 2015, OHCHR organized a two-day training for the National Human Rights Commission of Guinea on the role of national human rights institutions in promoting and protecting human rights. OHCHR also organized training sessions for members of the Commission and its staff on human rights monitoring in electoral contexts and human rights treaty bodies.

18. In September 2015, OHCHR and UNDP co-organized a training workshop for the Human Rights Commission of Zimbabwe on engaging with international human rights mechanisms and monitoring places of detention.

19. In 2015, OHCHR organized field trips and a three-day workshop for the Commission on Human Rights and Good Governance of the United Republic of Tanzania on the rights of indigenous peoples. It also provided support to the institution on reporting under the universal periodic review.

20. OHCHR provided support to the National Human Rights Commission of Senegal on international human rights mechanisms and alternative reporting for the universal periodic review and treaty bodies.

21. In South Africa, OHCHR developed a research and advocacy project on the economic empowerment of women, in partnership with the Human Rights Commission and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

22. In 2015, the United Nations Mission in South Sudan trained the South Sudan Human Rights Commission on the universal periodic review and specific human rights issues, including on women's rights. The Mission, in cooperation with the Commission, carried out promotional activities on different human rights issues, including women's rights and gender-based violence.

23. In the Niger, OHCHR provided advice and technical support to the national human rights institution to develop its 2014-2017 strategic plan. It also trained the national human rights institution on the universal periodic review and human rights monitoring in connection with the elections.

24. In Uganda, OHCHR trained the Human Rights Commission on different issues, including climate change, business and human rights and human rights monitoring in the context of elections. OHCHR provided support to the Commission to develop and implement a programme to document serious violations of human rights that occurred during the conflicts in Uganda between 1987 and 2006. OHCHR also supported the Commission in developing a database to take stock of all recommendations from the international and regional human rights mechanisms for Uganda.

25. In 2015, the United Nations Joint Human Rights Office organized workshops and training for the National Human Rights Commission of the Democratic Republic of the Congo on human rights principles, mandate and independence, complaint procedures and investigations. In April 2016, OHCHR, in cooperation with that Office, organized

workshops on strategic planning and complaints, investigation and conciliation management, with a view of building the capacity of the Commission.

26. In Sierra Leone, OHCHR provided support to the National Human Rights Council on the universal periodic review, sexual and gender-based violence and persons with disabilities, and organized a workshop on business and human rights in May 2016.

27. In Malawi, OHCHR trained the Human Rights Commission, including on business and human rights, human rights monitoring and engagement with the United Nations human rights system.

28. In Kenya, OHCHR provided technical and financial support to the National Commission on Human Rights, including on counter-terrorism, investigations, monitoring of places of detention, protection of human rights defenders, follow-up to recommendations from international human rights mechanisms, business, and reproductive rights.

2. Americas and the Caribbean

29. During the period under review, the OHCHR regional offices for South and Central America, the country offices in the Plurinational State of Bolivia, Colombia, Guatemala, Honduras and Mexico, the human rights advisers to the United Nations country teams in the Dominican Republic, Jamaica, Panama and Paraguay, and the human rights component of the United Nations Stabilization Mission in Haiti, continued to provide advice on and assistance in strengthening national human rights institutions in the Americas and the Caribbean, in consultation with the OHCHR National Institutions, Regional Mechanisms and Civil Society Section.

(a) Legislative advice

30. In 2015, OHCHR provided legislative advice on the establishment of a national human rights institution in Jamaica, as well as training to the staff members of the Office of the Public Defender of Jamaica on international human rights standards and mechanisms.

(b) Capacity-building

31. In Paraguay, OHCHR trained the staff of the Ombudsman institution on the universal periodic review, treaty bodies and special procedures.

32. In October 2014, OHCHR conducted training for the national human rights institution of Peru on follow-up to universal periodic review recommendations.

33. In November 2014, in partnership with the United Nations Children's Fund (UNICEF) and the national human rights institution of Chile, OHCHR conducted a workshop for civil society organizations on the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. In 2015, also in partnership with the national human rights institution of Chile, OHCHR organized a seminar on alternative reporting to the Committee on Economic, Social and Cultural Rights and a regional seminar on business and human rights, and launched a joint publication on social protests and human rights. In August 2015, other activities were jointly carried out on sexual and reproductive rights, and on social protests, as well as training on lesbian, gay, bisexual, transgender and intersex rights.

34. In December 2014, OHCHR collaborated with the national human rights institution of Argentina on the operationalization of a guide on combating racial and ethnic discrimination, and to deliver training on indigenous peoples' rights to Guarani communities.

35. In December 2014, OHCHR held a workshop in Montevideo to enhance the engagement of the national human rights institution of Uruguay with the international human rights system.

36. In December 2014, OHCHR organized a regional workshop in Brasilia to promote the establishment of a national human rights institution in Brazil.

37. In October 2015, OHCHR provided support to the Office for the Protection of Citizens in Haiti for the development of its strategic and action plans for 2016-2019. It also provided support on information technology for the management of cases on alleged human rights violations. In February 2016, OHCHR developed two quick-impact projects, funded by the United Nations Stabilization Mission in Haiti, to provide sanitary infrastructures for six regional offices of the Protector of Citizens.

38. In 2015, OHCHR and the National Human Rights Institution of Guatemala issued a joint report to assess the implementation of the Government's strategy to combat malnutrition. OHCHR provided support and training to the National Human Rights Institution on various topics, including human rights in the context of elections, business and human rights, food security, the rights of indigenous peoples, labour rights, lesbian, gay, bisexual, transgender and intersex rights, and preventive detention.

39. In Panama, OHCHR provided support to the National Human Rights Institution in preventing and addressing gender domestic violence.

40. In El Salvador, OHCHR supported the National Human Rights Institution in organizing a public forum on human rights defenders.

3. Asia and the Pacific

41. During the period under review, the OHCHR regional offices for South-East Asia and the Pacific, the human rights advisers to the United Nations country teams in Bangladesh, Papua New Guinea, the Philippines, Sri Lanka and Timor-Leste and the human rights component of the United Nations Assistance Mission in Afghanistan continued to provide advice and assistance for the establishment or strengthening of national human rights institutions, in consultation with the National Institutions, Regional Mechanisms and Civil Society Section.

(a) Legislative advice

42. In 2015, OHCHR provided advice on pending amendments to the law on the National Human Rights Commission of Thailand.

(b) Capacity-building

43. In December 2014, OHCHR facilitated a workshop organized by the Malaysian Human Rights Commission on deaths in police custody.

44. In January 2015, OHCHR, UNDP and the Asia-Pacific Forum of National Human Rights Institutions conducted a capacity assessment of the Office of the Ombudsperson for Human Rights and Justice of Timor-Leste. A joint project of OHCHR and UNDP provided capacity support to the institution to train the national police on human rights standards relating to policing, detention, use of force and the rights of specific groups. Through this project, technical support was also provided in case management, investigations, mediation and human resources. In October 2014, OHCHR trained the staff of the Office of the Ombudsperson on economic, social and cultural rights and on international human rights standards. OHCHR also conducted five briefing sessions on specific rights for the staff of the Office of the Ombudsperson in March and April 2016.

45. In November 2015, OHCHR, UNDP and the Asia-Pacific Forum of National Human Rights Institutions organized a high-level dialogue with the members of the re-established Fiji Human Rights and Anti-Discrimination Commission. In 2016, OHCHR organized training for the commission on detention monitoring and treaty bodies.

46. In December 2015, OHCHR trained the Myanmar National Human Rights Commission on international standards related to preventing discrimination and to minority rights. In June 2016, OHCHR and the Commission organized a workshop for senior staff of State institutions on minority rights.

47. In Samoa, OHCHR provided support to the Ombudsman institution on the universal periodic review and treaty bodies. It also supported the Ombudsman in drafting a report on the rights of persons with disabilities and developing an internal database on complaint handling and human rights monitoring.

48. In Afghanistan, in cooperation with the United Nations Assistance Mission in Afghanistan, OHCHR assisted the Independent Human Rights Commission to develop 34 provincial-level roadmaps for peace and to host a round table on civil society space in July 2016. OHCHR and the Mission also provided training and advice to the Commission in preventing and addressing violence against women and honour killings.

4. Europe and Central Asia

49. During the period under review, the OHCHR regional offices for Europe and Central Asia, the OHCHR Human Rights Monitoring Mission in Ukraine, the human rights advisers in the Republic of Moldova, the Russian Federation, Serbia and the former Yugoslav Republic of Macedonia, as well as the southern Caucasus and the human rights component of the United Nations Interim Administration Mission in Kosovo continued to provide advice and assistance for the establishment and/or strengthening of human rights institutions, in consultation with the National Institutions, Regional Mechanisms and Civil Society Section.

(a) Legislative advice

50. In 2015 and 2016, OHCHR provided advice on draft amendments to the enabling law of the Ombudsman of Kazakhstan, Kyrgyzstan, the Republic of Moldova, Tajikistan and the former Yugoslav Republic of Macedonia.

51. In 2015 and 2016, OHCHR provided advice on the draft laws establishing national human rights institutions in Malta and Turkmenistan.

Capacity-building

52. In February 2015, OHCHR participated in a joint United Nations mission to Bosnia and Herzegovina to assess the status and independence of the Ombudsman institution and the overall context in which it operates, focusing on its financial independence, reporting, organizational structure and human rights mandate, with a view to strengthening its compliance with the Paris Principles.

53. In October 2015, OHCHR organized a workshop for the Commissioner for Human Rights of Kazakhstan on follow-up to recommendations from international human rights mechanisms. OHCHR supported the establishment of the national preventive mechanism through training for its members on international standards.

54. In December 2015, in Belgrade, OHCHR participated in an international conference organized by the Protector of Citizens (Ombudsman) of Serbia, and made a presentation on human rights of migrants and refugees. OHCHR has been engaged in supporting follow-up

to the Thessaloniki Action Plan of national human rights institutions in Europe on the human rights of migrants and refugees.

55. In 2015, OHCHR assisted in the development of a UNDP project to enhance the capacity of the national human rights institution in Turkey.

56. OHCHR organized six workshops and two conferences for the federal and regional ombudspersons in the Russian Federation, including on United Nations human rights mechanisms, international standards for national human rights institutions, the rights of indigenous peoples, women's rights and non-discrimination. In 2015, OHCHR organized a pilot training session for the staff members of the Ombudsman of the Russian Federation on effectively handling claims of discrimination. It also organized a workshop for regional human rights commissioners with a view to developing an environment free from discrimination in football.

57. OHCHR provided support to the institution of the Ombudsman of Kyrgyzstan, including for its 2015 work-plan, fundraising and advocacy. Support was provided also to strengthen its capacity to conduct human rights monitoring and produce analytical reports. As a result, the Ombudsman made its first submission to a United Nations treaty body (the Committee on Economic, Social and Cultural Rights).

58. In Tajikistan, OHCHR provided support to the pilot national preventive mechanism — the Monitoring Group — under the auspices of the Ombudsman institution. It thus contributed to strengthening the awareness and capacity of this mechanism by organizing discussions on its recommendations. OHCHR also supported visits of the Monitoring Group to detention centres and organized two workshops for its staff members and for those of the Ombudsman institution on documenting torture according to the Istanbul Protocol.

59. In April 2016, in partnership with the United Nations Interim Administration Mission in Kosovo and the Council of Europe, OHCHR provided training to the Ombudsman of Kosovo on human rights indicators, aimed at supporting the institution to monitor implementation of the laws on protection from discrimination and on gender equality.

60. In April 2016, OHCHR trained the national human rights institution of the Republic of Moldova on the Paris Principles, human rights monitoring and investigation, and international human rights mechanisms.

5. Middle East and North Africa

61. During the period under review, the OHCHR regional office for the Middle East and North Africa, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, the OHCHR offices in Mauritania, Tunisia, Yemen and the State of Palestine and the United Nations Assistance Mission for Iraq and the United Nations Support Mission in Libya continued to provide advice and assistance for the establishment and/or strengthening of national human rights institutions in the Middle East and North Africa, in consultation with the National Institutions, Regional Mechanisms and Civil Society Section.

(a) Legislative advice

62. In 2016, OHCHR provided advice on a draft law for the establishment of a national human rights institution in Tunisia, including by training the members of the drafting committee on relevant international standards. OHCHR also facilitated five consultations at the national and regional level to discuss the establishment of a human rights institution.

(b) Capacity-building

63. In November 2014, OHCHR provided training to the National Council for Human Rights of Egypt on human rights indicators.

64. In 2015, OHCHR trained the National Human Rights Commission of Mauritania on the United Nations human rights mechanisms, particularly on drafting reports for the universal periodic review and treaty bodies.

65. The United Nations Assistance Mission for Iraq and the United Nations Office for Project Services provided 23 training sessions and workshops to build the capacity of the Independent High Commission for Human Rights of Iraq, including on women's rights, minorities rights, human rights investigations and reporting, prison monitoring, protection of civilians in armed conflict, raising human rights awareness, and procurement and public budgeting.

66. In the State of Palestine, OHCHR trained the staff of the Independent Commission for Human Rights in monitoring economic, social and cultural rights and administration of justice. OHCHR also supported the Commission in organizing a meeting on women's rights and delivering several training sessions, including for law enforcement personnel.

B. Support to regional and subregional initiatives by national human rights institutions

1. Africa

67. In April 2015, the OHCHR Regional Office for Southern Africa and the South African Human Rights Commission co-organized subregional training for national human rights institutions on business and human rights in the extractive industry.

2. Americas and the Caribbean

68. In September 2014, in Chile, the OHCHR Regional Office for South America convened a workshop bringing together national human rights institutions from across the region to exchange good practices on monitoring social protests. In Chile, OHCHR conducted training for the national human rights institutions of the region on follow-up to universal periodic review recommendations.

69. In October 2015, OHCHR and the University of San Martín in Argentina organized a workshop for the national human rights institutions of Argentina, Brazil, Chile, Ecuador, Peru and Uruguay, focusing on the implementation of universal periodic review recommendations.

3. Asia and the Pacific

70. In August 2015, the national human rights institutions of Fiji, New Zealand and Samoa participated in the launch of the Free and Equal campaign[7] in the Pacific, organized by OHCHR. In November 2015, those institutions also participated in a regional workshop on universal periodic review, which OHCHR organized in Suva.

[7] Free and Equal campaign is a United Nations global public education campaign for lesbian, gay, bisexual and transgender equality.

4. Europe and Central Asia

71. The OHCHR Regional Office for Europe organized workshops and continued to provide advice and capacity-building to national human rights institutions in Europe, including on the rights of migrants, persons with disabilities and ethnic minorities.

72. In October 2015, OHCHR provided technical and substantive input in a regional conference organized by the Commissioner for Human Rights of Ukraine on national human rights institutions in conflict and post-conflict situations.

5. Middle East and North Africa

73. In September 2014, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region organized a training workshop for 20 national human rights institutions on their role in protecting the rights of individuals deprived of their liberty. In 2015 and 2016, the Centre also trained national human rights institutions on the rights of women in detention, combating hate speech, human trafficking, economic, social and cultural rights, and interaction with the international human rights mechanisms.

C. Contributions to international initiatives supporting national human rights institutions

1. Annual general meetings of the Global Alliance of National Human Rights Institutions

74. During the reporting period, OHCHR provided secretariat and technical support to two annual general meetings of the Global Alliance, held in Geneva on 12 and 13 March 2015 and from 21 to 23 March 2016. At the March 2016 meeting, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights changed its name into the Global Alliance of National Human Rights Institutions.

2. Bureau meetings

75. OHCHR provided secretariat and technical support for four statutory Bureau meetings of the Global Alliance, which were held in Geneva on 11 March 2015 and 21 March 2016, in Johannesburg on 16 and 17 October 2014, and in Merida, Mexico, on 6 and 7 October 2015. The Bureau members discussed their strategic priorities and other organizational issues, and endorsed the reports of the Sub-Committee on Accreditation of March and October 2014, and March and November 2015.

4. Sub-Committee on Accreditation

76. Article 6 of the Statute of the Global Alliance provides that meetings of the Sub-Committee on Accreditation shall be held under the auspices of and in cooperation with OHCHR. Accordingly, OHCHR provided substantive support to four sessions of the Sub-Committee, held in Geneva in October 2014, March and November 2015, and May 2016. The presence of OHCHR at all the meetings of the Sub-Committee is instrumental to attesting the compliance of the accreditation process with the established rules of procedure, and contributes to its transparency, fairness and rigorousness.

5. Fellowship programme for staff of national human rights institutions

77. OHCHR maintains its fellowship programme for the staff of A-status national human rights institutions. Initiated in 2008, the programme is designed to provide fellows with information on, and working experience with the international human rights system,

and to familiarize them with the work of OHCHR with national human rights institutions. During the period under review, fellows from the human rights institutions of Albania, Costa Rica, Egypt, Indonesia, Malawi, Malaysia, Portugal and the Russian Federation participated in the programme.

6. International conferences

78. From 8 to 10 October 2015, in Merida, Mexico, OHCHR, the Mexican National Human Rights Commission and the Global Alliance organized the Twelfth International Conference of National Human Rights Institutions on "The Sustainable Development Goals: what role for national human rights institutions?". The Merida declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development was adopted at this conference.

III. Cooperation between United Nations human rights mechanisms and national human rights institutions

A. Human Rights Council

79. During the reporting period, national human rights institutions were active before and during the sessions of the Council, delivering statements, submitting written documentation, participating in general debates and organizing parallel events and interacting with the special procedures under specific agenda items. A total of 56 institutions participated in Council sessions during the reporting period (see annex I), including 25 through video statements.

1. Universal periodic review

80. During the second cycle of the universal periodic review, the important role that independent national human rights institutions in full compliance with the Paris Principles play in the promotion and protection of human rights was highlighted in most of the reviews. Many States' recommendations requested the establishment of national human rights institutions or advised that their capacity to fully implement their mandates be further strengthened.

81. During the second cycle, A-status institutions continued to share their independent views on the impact of the review on the promotion and protection of human rights, including good practices, challenges and emerging human rights issues. In accordance with the Council's resolution 16/21 adopted in 2011, a summary of the written contributions submitted by A-status institutions was included as a separate section in the summary of information from stakeholders prepared by OHCHR for the second cycle (see annex II).[1]

82. Several A-status institutions further used the opportunity created for them by the Council to intervene immediately after the State under review during the adoption of the outcome, including through a representative of the Global Alliance of National Human Rights Institutions or through video statements.

83. Some A-status institutions contributed in writing or via video statements to the general debate under agenda item 6 of the Council, including by sharing mid-term progress reports on the status of the implementation of recommendations.

[1] That document is one of the three documents that form the basis of the review.

84. Given the role that national human rights institutions can play at the national level in follow-up to the universal periodic review and in developing tools to monitor and assess progress in the implementation of recommendations, OHCHR continued to actively support and encourage their participation in the review process.

B. Treaty bodies

85. OHCHR continued to support the participation of national human rights institutions in treaty bodies sessions. The secretariats of the treaty bodies, the National Institutions, Regional Mechanisms and Civil Society Section and the Geneva representative of the Global Alliance of National Human Rights Institutions liaised with national human rights institutions prior to each session to encourage them to provide written or oral information, and to attend the sessions. OHCHR also prepared briefings on institutions for the attention of treaty bodies and disseminated relevant recommendations and concluding observations to the institutions concerned.

86. During the reporting period, human rights treaty bodies reviewed 319 States parties, 236 of which had national human rights institutions. Of those 236 institutions, more than 200 interacted with treaty bodies by submitting reports, providing briefings before the review or attending the sessions (see annex III).

87. Treaty bodies have provided national human rights institutions with information notes, statements and advice and tools to facilitate their effective engagement and invited representatives of those institutions to their meetings.

88. In September 2014, the Committee on Enforced Disappearances adopted a paper on its relationship with national human rights institutions to enhance the opportunities for those institutions to engage with the Committee and contribute to its work. The Committee has engaged with the Global Alliance of National Human Rights Institutions in this process.

89. In September 2014, the Committee on the Rights of Persons with Disabilities held its first meeting with national human rights institutions and independent monitoring frameworks to discuss ways in which monitoring of the Convention at the national and international levels could be mutually reinforced. The Committee subsequently adopted draft guidelines on the establishment of independent monitoring frameworks and their participation in the work of the Committee, during its fifteenth session (29 March-21 April 2016).

IV. Recommendations

A. Recommendations to Member States

90. **Member States are encouraged to establish national human rights institutions compliant with the Paris Principles or to strengthen the structures and independence of existing institutions in order to enable the effective fulfilment of their mandate, taking into account the recommendations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions and the advice of OHCHR.**

91. **Member States are encouraged to ensure that national human rights institutions are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and are granted adequate powers of investigation into allegations of human rights violations, including authorization to visit places of deprivation of liberty.**

92. Member States should ensure that national human rights institutions are provided with adequate human and financial resources and operate with the necessary independence, and that they have the capacity to freely propose and manage their own budgets and recruit their own staff members.

93. Member States should ensure the formalization of a clear, transparent and participatory selection and appointment process for members and staff of national human rights institutions.

94. Members and staff of national human rights institutions should enjoy immunity while discharging their functions in good faith in their official capacity. Member States are urged to take measures to protect members and staff of national human rights institutions against threats and harassment. Any alleged reprisal or intimidation against members and staff of institutions, or against individuals who cooperate or seek to cooperate with them, should be promptly and thoroughly investigated, and perpetrators brought to justice.

95. Member States are encouraged to act upon and implement recommendations of national human rights institutions.

96. Member States should continue to provide financial contributions to OHCHR for the latter to sustain high-quality support for the establishment and strengthening of national human rights institutions and to provide secretariat support to the Global Alliance and its Sub-Committee on Accreditation.

B. Recommendations to national human rights institutions

97. National human rights institutions should seek regular and constructive cooperation with relevant State bodies to promote the inclusion of human rights issues in legislation, policies and programmes.

98. National human rights institutions should develop, formalize and maintain cooperation with civil society organizations, and strengthen their capacity to participate meaningfully in the promotion and protection of human rights.

99. In accordance with the Paris Principles, national human rights institutions working in conflict situations or crises are encouraged to be vigilant and proactive in protecting the rights of persons affected.

100. National human rights institutions are encouraged to continue their work towards implementing, in cooperation with key partners, the Merida declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted at the Twelfth International Conference of National Human Rights Institutions.

101. National human rights institutions are encouraged to continue to develop and advocate for the development of protective measures and mechanisms for human rights defenders, and to disseminate information thereon.

102. In accordance with the Paris Principles, national human rights institutions are encouraged to continue to engage with the international human rights mechanisms, and to promote the implementation of their recommendations.

103. National human rights institutions are encouraged to continue to advocate for their independent participation in relevant United Nations mechanisms and processes, including the 2030 Agenda.

Annex I

Submissions from national human rights institutions to the Human Rights Council (submitted between September 2014 and February 2016)

Country institution	Agenda	Date
Global Alliance of National Human Rights Institutions	Agenda item 1 Panel on human rights mainstreaming	February 2016
National Human Rights Council of Morocco	Agenda item 3 Panel on fiftieth anniversary of human rights covenants	March 2016
Human Rights Commissioner of Azerbaijan (Ombudsman)	Agenda item 3 Panel discussion on climate change and right to health	March 2016
	Special Adviser of the Secretary-General on the Prevention of Genocide	March 2016
	Report of the Special Rapporteur on the rights of persons with disabilities	March 2016
Red de Instituciones Nacionales para la Promoción y Protección de los Derechos Humanos del Continente Americano	Agenda item 3 Report of the Special Rapporteur on human rights and the environment	March 2016
	Agenda item 3 Report of the Special Rapporteur on the situation of human rights defenders	March 2016
	Agenda item 3 Report of the Special Rapporteur on the rights of persons with disabilities	March 2016
	Agenda item 3 Report of the Special Rapporteur on the right to food	March 2016
	Agenda item 3 Special Representative of the Secretary-General on Violence against Children	March 2016
National Human Rights Commission of Greece	Agenda item 3 Annual debate on the rights of persons with disabilities	March 2016
National Human Rights Commission of Mexico on behalf of the Global Alliance of National Human Rights Institutions	Agenda item 1 High-level panel on human rights mainstreaming Video statement	March 2016

Country/Institution	Agenda	Date
Ombudsman of the Republic Serbia	Agenda item 3 Special Rapporteur on adequate housing — Mission to Serbia Video statement	March 2016
Scottish Human Rights Commission	Agenda item 3 Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context Video statement	March 2016
Equality and Human Rights Commission of Great Britain (United Kingdom)	Agenda item 3 Special Rapporteur on the situation of human rights defenders Video statement	March 2016
National Human Rights Commission of Greece	Agenda item 2 Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights — mission to Greece Video statement	March 2016
Public Defender of Georgia	Agenda item 3 Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Video statement	March 2016
Human Rights Commission of Malaysia (SUHAKAM)	Agenda item 3 Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism Video statement	March 2016
Global Alliance of National Human Rights Institutions, Working Group Chair — National Human Rights Council of Morocco	Agenda item 3 Report of open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights Video statement	March 2016
Commissioner for Fundamental Rights of Hungary	Agenda item 3 Debate on the state of racial discrimination worldwide Video statement	March 2016

Country/Institution	Agenda	Date
Ukrainian Parliament Commissioner for Human Rights	Agenda item 6 Universal periodic review general debate	September 2015
Provedoria for Human Rights and Justice of Timor-Leste	Agenda item 3 Working Group on Enforced or Involuntary Disappearances	September 2015
European Network of National Human Rights Institutions (ENNHRI)	Agenda item 3 Independent Expert on the enjoyment of all human rights by older persons	September 2015
Canadian Human Rights Commission	Agenda item 3 High Commissioner's report on the human rights implications of over-incarceration and overcrowding	September 2015
Defensor del Pueblo Colombia	Agenda item 2 High Commissioner's report (A/HRC/30/28)	September 2015
	Agenda item 3 Special Rapporteur on the rights of indigenous peoples	September 2015
	Agenda item 2 OHCHR report (A/HRC/30/70)	September 2015
	Agenda item 2 Special Rapporteur's report on the safety of journalists and the issue of impunity (A/HRC/30/68)	September 2015
	Agenda item 2 High Commissioner's report (A/HRC/30/29)	September 2015
Canadian Human Rights Commission	Agenda item 3 Report of the Working Group on Arbitrary Detention Video statement	September 2015
Northern Ireland Human Rights Commission	Agenda item 3 Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence Video statement	September 2015
National Commission on Human Rights of Kenya	Agenda item 3 Special Rapporteur on the human right to safe drinking water and sanitation Video statement	September 2015
National Human Rights Commission of Korea	Agenda item 3 Independent Expert on the enjoyment of all human rights by older persons Video statement	September 2015

[illegible]	[illegible]	[illegible]
Joint statement — Equality and Human Rights Commission (UK) and Northern Ireland Human Rights Commission	Agenda item 5 Using sport and the Olympic ideal to promote human rights Video statement	September 2015
Ukrainian Parliament Commissioner for Human Rights	Agenda item 10 Interactive dialogue on the High Commissioner's oral update on Ukraine Video statement	September 2015
National Human Rights Commission of Greece	Agenda item 3 Panel on realizing the equal enjoyment of the right to education by every girl	June 2015
Human Rights Commissioner of Azerbaijan (Ombudsman)	Agenda item 3 Panel on eliminating and preventing domestic violence against women and girls	June 2015
National Human Rights Council of Morocco	Agenda item 3 Annual day of discussion on the human rights of women	June 2015
	Agenda item 9 Panel on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms	June 2015
Defensor del Pueblo of Argentina	Agenda item 6 Universal periodic review general debate	June 2015
Procurador de los Derechos Humanos of Guatemala	Agenda item 6 Universal periodic review general debate	June 2015
Commissioner for Fundamental Rights of Hungary	Agenda item 3 Special Rapporteur on minority issues (study on Roma) Video statement	June 2015
Joint statement — Equality and Human Rights Commission (UK) and Northern Ireland Human Rights Commission	Agenda item 3 Special Rapporteur on minority issues (study on Roma) Video statement	June 2015

Country/organization	Agenda item	Date
Human Rights Commission of Malaysia (SUHAKAM)	Agenda item 3 Report of Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children — visit to Malaysia Video statement	June 2015
	Agenda item 3 Report of Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health — visit to Malaysia	June 2015
Independent Human Rights Commission of Afghanistan	Agenda item 3 Special Rapporteur on violence against women	June 2015
Joint statement — Equality and Human Rights Commission; Northern Ireland Human Rights Commission and Scottish Human Rights Commission	Agenda item 3 Special Rapporteur on violence against women	June 2015
Northern Ireland Human Rights Commission	Agenda item 3 Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	June 2015
	Agenda item 3 Special Rapporteur on the promotion and protection of human rights while countering terrorism	June 2015
Global Alliance of National Human Rights Institutions	Agenda item 3 Forum on Business and Human Rights	June 2015
Procurador de los Derechos Humanos of Guatemala	Agenda item 3 Special Rapporteur on the situation of human rights defenders	March 2015
	Agenda item 3 Special Rapporteur on the right to food	March 2015
	Agenda item 3 Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	March 2015
	Agenda item 3 Interactive dialogue on violence against children	March 2015
Commissioner for Fundamental Rights of Hungary	Agenda item 5 Special Rapporteur on the situation of human rights defenders	March 2015

Country/institution	Segment	Date
Human Rights Commissioner of Azerbaijan (Ombudsman)	Agenda item 3 Panel discussion on national policies and human rights	March 2015
Australian Human Rights Commission	Agenda item 6 Universal periodic review general debate	March 2015
State of Palestine: Independent Commission for Human Rights	Agenda item 7 The right to movement and travel in the light of the ongoing blockade of the Gaza Strip	March 2015
	Agenda item 7 Housing	March 2015
	Agenda item 7 Children	March 2015
Independent Human Rights Commission of Afghanistan	Agenda item 2 Annual report of the High Commissioner on the situation of human rights in Afghanistan Video statement	March 2015
Northern Ireland Human Rights Commission	Agenda item 3 Special Rapporteur on the promotion and protection of human rights while countering terrorism Video statement	March 2015
Human Rights Commission of Malaysia (SUHAKAM)	Annual day of meetings on the rights of the child Video statement	March 2015
Australian Human Rights Commission	Agenda item 6 Universal periodic review general debate Video statement	March 2015
National Human Rights Commission of Mauritania	Agenda item 3 Special Rapporteur on contemporary forms of slavery	September 2014
Public Defender of Georgia	Agenda item 3 Panel on the protection of the human rights of persons deprived of their liberty	September 2014
National Human Rights Council of Morocco	Agenda item 3 Working Group on arbitrary detention	September 2014

Country/institution	Segment	Date
National Commission on Human Rights of Kenya	Agenda item 3 Panel on the protection of the human rights of persons deprived of their liberty	September 2014
	Agenda item 3 Panel on accelerating global efforts to end violence against children	September 2014
Human Rights Commissioner of Azerbaijan (Ombudsman)	Agenda item 3 Panel on the protection of the human rights of persons deprived of their liberty	September 2014
Joint statement by 22 A-status national human rights institutions	Agenda item 3 General debate	September 2014
Northern Ireland Human Rights Commission	Agenda item 6 Universal periodic review general debate	September 2014
Equality and Human Rights Commission of Great Britain	Agenda item 6 Universal periodic review general debate	September 2014
	Agenda item 3 Special Rapporteur on contemporary forms of slavery, including its causes and consequences Video statement	September 2014
Defensor del Pueblo of Spain	Agenda item 3 Report of the Working Group on Enforced or Involuntary Disappearances Video statement	September 2014
Joint statement by the Equality and Human Rights Commission, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission	Agenda item 6 United Kingdom's progress at the midpoint of the universal periodic review cycle Video statement	September 2014

Annex II

Engagement of national human rights institutions in the second cycle of the universal periodic review (2014-2015)

Twenty-third session of the Working Group on the Universal Periodic Review (2015)

State (under review)	Written contribution for summary (as used)[1]	Oral statement to Human Rights Council during the adoption of the outcome of the universal periodic review of the country concerned (A-status national human rights institutions only)
Mauritania	Yes (A-status)	-
Rwanda	Yes (A-status)	Agenda item 6 (thirty-first session of the Council) Universal periodic review of Rwanda
Nepal	Yes (A-status)	Agenda item 6 (thirty-first session of the Council) Universal periodic review of Nepal
Oman	Yes (B-status)	-
Austria	Yes (B-status)	-
Myanmar	Yes (Not accredited yet)	-
Australia	Yes (A-status)	-
Georgia	Yes (A-status)	-

Twenty-second session of the Working Group on the Universal Periodic Review (2015)

State (under review)	Written contribution for summary (as used)	Oral statement to Human Rights Council during the adoption of the outcome of the universal periodic review of the country concerned (A-status national human rights institutions only)
Malawi	Yes (A-status)	Agenda item 6 (thirtieth session of the Council) Universal periodic review of Malawi
Mongolia	Yes (A-status)	Agenda item 6 (thirtieth session of the Council) Universal periodic review of Mongolia
Panama	(A-status)	Agenda item 6 (thirtieth session of the Council) Universal periodic review of Panama
Maldives	Yes (B-status)	-
Bulgaria	(B-status)	-

[1] "Yes" appears only where institutions made written contributions

State (in order of review)	[illegible]	[illegible]
Honduras	(B-status)	-
Croatia	Yes (A-status)	-
Libya	Yes (B-status)	-

Twenty-first session of the Working Group on the Universal Periodic Review (2015)

State (in order of review)	[illegible]	[illegible]
Kyrgyzstan	(B-status)	-
Spain	Yes (A-status)	-
Kenya	Yes (A-status)	Agenda item 6 (twenty-ninth session of the Council) Universal periodic review of Kenya
Armenia	Yes (A-status)	Agenda item 6 (twenty-ninth session of the Council) Universal periodic review of Armenia
Sweden	Yes (B-status)	-

Twentieth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	[illegible]	[illegible]
El Salvador	Yes (A-status)	-
Bolivia (Plurinational State of)	Yes (A-status)	-
Iraq	Yes (Not accredited yet)	-
Egypt	Yes (A-status)	Agenda item 6 (twenty-eighth session of the Council) Universal periodic review of Egypt
Bosnia and Herzegovina	Yes (A-status)	-

Nineteenth session of the Working Group on the Universal Periodic Review (2014)

State under review (SUR)	Written contribution for summary (as used)	Oral statement to Human Rights Council during the adoption of the outcome of the universal periodic review of the country concerned (A-status national human rights institutions only)
Norway	Yes (B-status)	-
Albania	(A-status)	Agenda item 6 (twenty-seventh session of the Council) Universal periodic review of Albania
Portugal	(A-status)	Agenda item 6 (twenty-seventh session of the Council) Universal periodic review of Portugal
Costa Rica	Yes (A-status)	-
Ethiopia	Yes (application under review)	-
Qatar	Yes (A-status)	Agenda item 6 (twenty-seventh session of the Council) Universal periodic review of Qatar
Nicaragua	Yes (A-status)	-

Eighteenth session of the Working Group on the Universal Periodic Review (2014)

State under review (SUR)	Written contribution for summary (as used)	Oral statement to Human Rights Council during the adoption of the outcome of the universal periodic review of the country concerned (A-status national human rights institutions only)
New Zealand	Yes (A-status)	Agenda item 6 (twenty-sixth session of the Council) Universal periodic review of New Zealand
Afghanistan	Yes (A-status)	Agenda item 6 (twenty-sixth session of the Council) Universal periodic review of Afghanistan
Chile	Yes (A-status)	-
The former Yugoslav Republic of Macedonia	Yes (A-status)	-
Slovakia	(B-status) (Accreditation lapsed due to non-submission of documentation)	-

State (duration of review)	Human rights institution (accreditation status)	Oral statement by human rights institution during the adoption of the outcome of the universal periodic review of the country concerned (whether national human rights institution only)
Comoros	Yes (no status with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights)	-
Uruguay	Yes (no status with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights)	-

Annex III

Engagement of national human rights institutions in the work of the treaty bodies (September 2014-August 2016)

Committee	Number of States parties reviewed	Number of States parties with a national human rights institution	Submission of information	Hearing
Committee against Torture	31	21	19	11
Committee on the Elimination of Racial Discrimination	26	12	16	12
Committee on Economic, Social and Cultural Rights	70	66	28	17
Human Rights Committee	33	26	20	n/a
Committee on the Elimination of Discrimination against Women	51	33	9	7
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	14	8	2	1
Committee on the Rights of the Child	57	44	39	19
Committee on the Rights of Persons with Disabilities	27	16	15	14
Committee on Enforced Disappearances	10	10	3	3
Total	**319**	**236**	**151**	**84**

United Nations A/HRC/33/34

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Human Rights Council
Thirty-third session
Agenda items 2 and 8
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Follow-up to and implementation of the Vienna Declaration and Programme of Action

Activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles)*

Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 27/18 and contains information on activities carried out from October 2014 to May 2016 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (the former International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights) in considering and reviewing applications for accreditation and reaccreditation of national human rights institutions.

* The annex to the present report is circulated as received, in the language of submission only.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 27/18, in which the Secretary-General was requested to report to the Human Rights Council at its thirty-third session on the activities of the Global Alliance of National Human Rights Institutions (the former International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights) in accrediting national institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

2. The present report includes activities and achievements since the issuance of the 2014 report of the Secretary-General on the accreditation of national human rights institutions (A/HRC/27/40).

3. The Statute of the Global Alliance (hereinafter the Statute) mandates the Subcommittee on Accreditation to review and analyse the applications for accreditation that have been submitted by national human rights institutions and to make recommendations to the Bureau of the Global Alliance (hereinafter the Bureau) on the compliance of institutions with the Paris Principles. In accordance with the rules of procedure of the Subcommittee on Accreditation, the classifications for accreditation are:

- "A" status: Fully compliant with the Paris Principles
- "B" status: Not fully compliant with the Paris Principles

4. For the purpose of ensuring a fair balance of regional representation, article 2.1 of the rules of procedure of the Subcommittee on Accreditation requires that the Subcommittee be composed of one national human rights institution accredited "A" status from each of the Global Alliance's four regional groups, namely Africa, the Americas, Asia and the Pacific, and Europe, appointed by the regional groups for a renewable term of three years. The members of the Subcommittee designate the Chair by consensus from among themselves, for a renewable term of one year.

5. During the period under review, the members of the Subcommittee were from the national human rights institutions of Canada, France, Mauritania, the State of Palestine and Jordan. The chairmanship was assumed by the national human rights institution of Canada. The national human rights institution of the State of Palestine resigned and was replaced by the national human rights institution of Jordan for the May 2016 session.

6. Pursuant to article 6 of the Statute, which requires that the general and Bureau meetings of the Global Alliance as well as the meetings of the Subcommittee on Accreditation be held under the auspices of and in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the latter assumes the secretariat functions. In addition to the analysis and preparation of accreditation files, this entails the presence of OHCHR in all meetings of the Subcommittee on Accreditation, including during the deliberations and the adoption of reports.

1 See para. 29.

II. Accreditation process of the Global Alliance of National Human Rights Institutions

7. Human Rights Council resolution 16/21 and General Assembly resolution 65/281 on reviewing the work and functioning of the Human Rights Council provide more visibility to "A" status human rights institutions fully compliant with the Paris Principles. Consequently, under the universal periodic review process, these institutions have been granted a separate section for the summary of their contribution in the stakeholders' report. They are entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Human Rights Council plenary. "A" status institutions are also entitled to intervene immediately after the State concerned during the interactive dialogue, following the presentation of a country mission report by a special procedure mandate holder. Furthermore, they may nominate candidates for special procedure mandates.

8. The General Assembly, in its resolution 70/163, encourages all relevant United Nations mechanisms and processes, in accordance with their respective mandates, to allow for the contribution of national human rights institutions compliant with the Paris Principles to such mechanisms and processes, bearing in mind their engagement with the Human Rights Council and its mechanisms.

9. The enhanced participatory rights of "A" status national human rights institutions in the Human Rights Council and their goal of achieving similar rights in other United Nations mechanisms and processes implies increased responsibility of the Subcommittee on Accreditation, which is mandated to assess the compliance of national human rights institutions with the Paris Principles.

10. The Global Alliance has introduced various measures to improve its accreditation procedures:

(a) The review of national human rights institutions, which was aimed at assessing their effectiveness and performance, has become more rigorous, as it is now based on documented evidence provided by the institution under review, as well as on information received from civil society organizations and other stakeholders;

(b) The review has also become fairer, since an appeals procedure has been included to give institutions an opportunity to challenge the recommendations issued by the Subcommittee on Accreditation;

(c) The Subcommittee on Accreditation has developed general observations, interpreting the Paris Principles, which have been adopted by the Bureau;

(d) The Subcommittee on Accreditation now also welcomes reports from civil society organizations on the functioning and efficiency of national human rights institutions under review. Such reports are shared with the institutions concerned for their comments or clarifications;

(e) Summaries of all documentation received from institutions are prepared by the secretariat and are shared with the relevant institutions prior to review. National human rights institutions are given one week to point out any factual errors in the summaries. The summaries and comments are subsequently brought to the attention of the Subcommittee's members;

(f) During the session, the Subcommittee on Accreditation conducts telephone interviews with the national human rights institutions under review;

(g) The Subcommittee on Accreditation systematically issues tailored recommendations to the national human rights institution under review, even when it recommends "A" status;

(h) Recommendations by the Subcommittee on Accreditation, once adopted by the Bureau, are made public in the report of the Subcommittee, which is posted on the Global Alliance's website.[1]

11. In accordance with article 16.2 of the Statute, where it appears that the circumstances of any national human rights institution accredited with an "A" status may have changed in a way which affects its compliance with the Paris Principles, the Chair of the Global Alliance, or the Subcommittee on Accreditation, may initiate a special review of the accreditation of that institution. Further to the special review, the status of the institution can be either maintained or downgraded.

12. It is stipulated in article 18.2 of the Statute that where, in the opinion of the Chair of the Global Alliance, an exceptional circumstance exists necessitating urgent consideration of the immediate suspension of an accredited "A" status institution, the Bureau may decide to immediately suspend the accreditation classification of that institution and initiate a special review, pursuant to article 16.2 of the Statute. Article 18.3 describes the procedure to be followed for the immediate suspension of accreditation in exceptional circumstances. As stipulated in article 18.4: "for the purposes of article 18.2 and 18.3, an 'exceptional circumstance' refers to a sudden and drastic change in the internal political order of a State", such as a break in the constitutional or democratic order, or a declared state of emergency, or gross violations of human rights; which is accompanied by any of the following: (a) a change in the national human rights institution – enabling legislation or other applicable law that is contrary to the Paris Principles; (b) a change in the composition of the national human rights institution that is not undertaken in accordance with the established selection and/or appointment process; or (c) the national human rights institution acts in a way that seriously compromises its compliance with the Paris Principles.

13. In conformity with the accreditation procedure set out in article 12 of the Statute, the recommendations of the Subcommittee on Accreditation are submitted to the Bureau for it to make the final decision on the accreditation status of the institutions reviewed, in accordance with the following process:

(a) The recommendation made by the Subcommittee on Accreditation is forwarded to the applicant;

(b) Within 28 days of receipt of the recommendation, the applicant may challenge it by submitting, through OHCHR, a written communication to the Chair of the Global Alliance;

(c) The report of the Subcommittee, including the recommendation, is forwarded to the Bureau. Any challenges from the institution reviewed, together with the statements of compliance and the summaries prepared by OHCHR of all the documents submitted by the institution concerned, are sent to the Bureau members to enable them to assess the validity of the challenges;

(d) If, within 20 days of receipt of the report and the challenges, at least four members of the Bureau, from no fewer than two regional groups, notify the secretariat that they support the objection to the recommendation of the Subcommittee on Accreditation, the recommendation is referred to the Bureau at its next meeting for a decision;

[1] See nhri.ohchr.org.

(e) If at least four members, from two or more regional groups, do not raise any objection to the recommendation within 20 days of its receipt, it will be deemed approved by the Bureau;

(f) The accreditation decision of the Bureau is final.

14. Until the accreditation process described above is completed and decisions are final, the recommendations of the Subcommittee on Accreditation remain confidential, and are shared only with the national human rights institution concerned.

15. In addition to members of the Subcommittee on Accreditation and representatives of OHCHR, the following may attend meetings of the Subcommittee as observers: representatives from the secretariats of the Network of African National Human Rights Institutions, the Asia-Pacific Forum of National Human Rights Institutions, the European Network of National Human Rights Institutions and the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, and the representative of the Global Alliance. All those attending the meetings of the Subcommittee on Accreditation are bound by a confidentiality clause, until the accreditation decisions are final and the Subcommittee reports are made public and posted on the website of the Global Alliance.

16. The Subcommittee on Accreditation has acknowledged the dedication and professionalism demonstrated by OHCHR in assuming the secretariat function and successfully servicing two sessions per year.

III. Accreditation during the period under review

A. Second session in 2014

17. The second session in 2014 of the Subcommittee on Accreditation was held from 27 to 31 October. During that session, the Subcommittee received, under article 10 of the Statute, applications for accreditation from the Finnish National Human Rights Institution, the Commissioner for Fundamental Rights, of Hungary, and the National Council for Civil Liberties and Human Rights, of Libya, which was established in 2011 by the National Transitional Council of Libya. In accordance with article 15 of the Statute, the Subcommittee on Accreditation also reviewed the continued full compliance with the Paris Principles of the Afghanistan Independent Human Rights Commission, the People's Advocate, of Albania, the Kenya National Commission on Human Rights, the Malawi Human Rights Commission, the National Human Rights Commission, of Mauritius, the National Human Rights Commission of Mongolia, the *Defensoría del Pueblo* of Paraguay, the National Human Rights Commission of Korea, the Office of the Commissioner for Human Rights in the Russian Federation, the National Human Rights Commission, of Thailand, and the Ukrainian Parliament Commissioner for Human Rights. Under article 16.2 of the Statute, the National Human Rights Commission, of Nepal, and the *Defensoría del Pueblo*, of the Bolivarian Republic of Venezuela, were reviewed. The outcome of the session is reflected in the annexed chart.

B. First session in 2015

18. The first session in 2015 was held from 16 to 20 March. During that session, the High Commission for Human Rights, of Iraq, the Ombudsman of the Republic of Latvia, and the National Human Rights Institution and Ombudsman of Uruguay were reviewed for accreditation, in accordance with article 10 of the Statute. The "A" status institutions of

Bangladesh, Cameroon, Ecuador, Germany, Greece, Ireland, Malawi, the Republic of Korea, and Serbia, and of Scotland, were reaccredited or had their reaccreditation deferred, under article 15 of the Statute. The national human rights institution of the Bolivarian Republic of Venezuela was reviewed under article 16.2. The annex shows the outcome of the session.

C. Second session in 2015

19. From 16 to 20 November 2015, the Subcommittee on Accreditation reviewed the national human rights institutions of Cyprus, Ireland and Myanmar for accreditation, in accordance with article 10 of the Statute. In accordance with article 15 of the Statute, a review was carried out of "A" status institutions, namely those of Germany, Jordan, Luxembourg, Malaysia, Morocco, the State of Palestine, and Qatar, and of Great Britain. The national human rights institution of Thailand was reviewed under article 18.1 of the Statute. The outcome of the session is reflected in the annex.

D. First session in 2016

20. At the first session in 2016, held from 9 to 13 May, under article 10 of the Statute, the Subcommittee on Accreditation reviewed the national human rights institutions of Bahrain, Côte d'Ivoire, Montenegro, Samoa, Uruguay and Zimbabwe for accreditation. Under article 15 of the Statute, the institutions of Cameroon, Canada, Greece, Honduras, Malawi, New Zealand, the Republic of Korea, and Sierra Leone, and of Northern Ireland, were reviewed for reaccreditation. The institutions of Burundi and the Bolivarian Republic of Venezuela were reviewed under article 16.2 of the Statute. The outcome of the session will be published upon completion of the procedure set out in article 12 of the Statute.

21. During the four sessions under review, the Subcommittee on Accreditation issued recommendations emphasizing the need for a clear, transparent and participatory process for selecting the members of national human rights institutions, as required by the Paris Principles and by the Subcommittee in its general observations. The Subcommittee stressed the importance of the provision of adequate core funding by States to ensure the independence and financial autonomy of national human rights institutions. The Subcommittee also recognized the importance of members of institutions being granted immunity against legal liability for actions taken in their official capacity. Furthermore, it stressed the need for greater cooperation between national human rights institutions and the regional and international human rights systems.

IV. Conclusions and recommendations

22. **The interdependence and indivisibility of human rights require that the broad mandate of national human rights institutions, as set out in the Paris Principles and emphasized by the Subcommittee, include the promotion and protection of all rights — civil, political, economic, social and cultural — for everyone.**

23. **The Paris Principles require that the composition of national human rights institutions and the appointment of their members, by means of election or otherwise, ensure the pluralistic representation of social forces (civil society) involved in the protection and promotion of human rights. The Subcommittee on Accreditation interprets that provision as requiring a clear, transparent, merit-based and participatory selection and appointment process. The Subcommittee recommends that the selection and appointment process be formalized in legislation establishing**

national human rights institutions and/or in binding administrative guidelines, as appropriate.

24. Newly established national human rights institutions are encouraged to request accreditation by the Global Alliance in order for them to be able to interact effectively with peer institutions as well as with the regional and international human rights systems.

25. National human rights institutions are urged to implement recommendations emanating from the Subcommittee on Accreditation with a view to enhancing their compliance with the Paris Principles and their effectiveness in discharging their mandate. Governments, and other stakeholders, including United Nations entities, are encouraged to assist national human rights institutions in implementing those recommendations.

26. The Secretary-General commends the Subcommittee on Accreditation for its performance and underscores the dedicated and professional support provided by OHCHR to its work, including in the accreditation process.

27. The Paris Principles, and the general observations of the Subcommittee on Accreditation interpreting those principles, remain the basis upon which the Subcommittee accredits national human rights institutions. In order to support this process, the Subcommittee invites civil society organizations to provide input on the functioning of institutions under review, in addition to the legislation and other documentation submitted by institutions.

29. The Secretary-General encourages Member States and other stakeholders to enable OHCHR, through financial contributions, to maintain high-quality servicing of the Subcommittee on Accreditation.

30. With the enhanced role of "A" status national human rights institutions in the proceedings of the Human Rights Council and the prospect of achieving the same in other United Nations mechanisms and processes, the Subcommittee is encouraged to be more vigilant and rigorous in granting "A" status, in order to ensure that only institutions fully compliant with the Paris Principles can make use of the benefits granted to "A" status institutions.

31. The role of OHCHR as secretariat for the Subcommittee, and in holding the Subcommittee's meetings under its auspices, enhances the credibility of the accreditation process before the international and regional human rights systems. The presence of OHCHR during the decision-making process is instrumental to attesting to the compliance of this process with the established rules of procedure, and contributes to its transparency, fairness and rigour.

32. The Statute of the Global Alliance of National Human Rights Institutions, and the rules of procedure of the Subcommittee on Accreditation, are silent on cases where, in deliberations, there may be a split vote. In order to avoid a deadlock in such situations, the Secretary-General recommends to the Global Alliance, with the support of the secretariat (OHCHR), to make proposals for a solution that ensures full respect for the Paris Principles and a most effective accreditation process.

Annex

Status of national institutions accredited by the Global Alliance of National Human Rights Institutions

Accreditation status as at 26 January 2016

In accordance with the Paris Principles and the Statute of the Global Alliance, the Global Alliance uses the following classifications for accreditation:

A: Compliant with the Paris Principles

B: Not fully compliant with the Paris Principles

C: Non-compliant with the Paris Principles

*A(R): The category of accreditation with reserve, previously granted where insufficient documentation had been submitted to allow for the conferral of "A" status, is no longer awarded. It is now only used when referring to institutions that were accredited with this status before April 2008.

Human Rights Council

"A" status institutions (72)

Institution	*Status*	*Year reviewed*
Asia and the Pacific		
Afghanistan: Independent Human Rights Commission	A	October 2007 – A* November 2008 November 2013 – deferred to October 2014 October 2014 – A
Australia: Australian Human Rights Commission	A	1999 October 2006 May 2011
India: National Human Rights Commission	A	1999 October 2006 May 2011 – A*
Indonesia: National Human Rights Commission (Komnas HAM)	A	2000 March 2007 March 2012* November 2013 – special review in March 2014 March 2014 – A*
Jordan: National Centre for Human Rights	A	April 2006 – (B) March 2007 – (B) October 2007 – A* October 2010 – A November 2015 – deferred to second session of 2016

Institution	*Status*	*Year reviewed*
Malaysia: Human Rights Commission (SUHAKAM)	A	2002 April 2008 – recommended to be accredited B November 2009 – A* October 2010 – A November 2015 – A
Mongolia: National Human Rights Commission	A	2002 – A(R) 2003 November 2008 November 2013 – deferred to October 2014 October 2014 – A
Nepal: National Human Rights Commission	A	2001 – A(R) 2002 – A October 2007 – A* November 2008 – A* March 2010 – recommended to be accredited B May 2011 – A November 2012 – October 2014 special review – A maintained
New Zealand: Human Rights Commission	A	1999 October 2006 May 2011
Philippines: Philippines Commission on Human Rights	A	1999 March 2007 – deferred to October 2007 October 2007 March 2012
Qatar: National Committee for Human Rights	A	October 2006 – (B) March 2009 – A* March 2010 – A* October 2010 – A November 2015 – A
Republic of Korea: National Human Rights Commission	A	2004 November 2008 March 2014 – deferred to October 2014 October 2014 – deferred to March 2015 March 2015 – deferred to first session of 2016
State of Palestine: Independent Commission for Human Rights	A	2005 – A(R) March 2009 – A November 2015 – A
Timor-Leste: *Provedoria* for Human Rights and Justice	A	April 2008 November 2013
Africa		
Burundi: *Commission nationale indépendante des droits de l'homme*	A	November 2012
Cameroon: National Commission on Human Rights and Freedoms	A	1999 October 2006 – (B) March 2010 – A March 2015 – deferred to first session of 2016

Institution	*Status*	*Year reviewed*
Egypt: National Council for Human Rights	A	April 2006 – (B) October 2006 – A October 2011 – deferred to November 2012 November 2012 – deferred to May 2013 May 2013 – deferred to November 2013 November 2013 – deferred November 2015 – deferred to second session of 2016
Ghana: Commission on Human Rights and Administrative Justice	A	2001 November 2008 March 2014
Kenya: National Commission on Human Rights	A	2005 November 2008 October 2014 – A
Malawi: Human Rights Commission	A	2000 March 2007 March 2012 – deferred to November 2012 November 2012 – deferred to May 2013 May 2013 – deferred to November 2013 November 2013 – deferred to October 2014 October 2014 – deferred to March 2015 March 2015 – deferred to first session of 2016
Mauritania: *Commission nationale des droits de l'homme*	A	November 2009 – (B) May 2011 – A
Mauritius: *Commission nationale des droits de l'homme*	A	2002 April 2008 – A* October 2014 – A
Morocco: *Conseil national des droits de l'homme*	A	1999 – A(R) 2001 October 2007 – A* October 2010 – A* November 2015 – A
Namibia: Office of the Ombudsman	A	2003 – A(R) April 2006 May 2011
Nigeria: National Human Rights Commission	A	1999 – A(R) 2000 – A October 2006 – A October 2007 – B May 2011 – A
Rwanda: National Commission for Human Rights	A	2001 October 2007 March 2012 – recommended to be accredited B; given one year to establish compliance with the Paris Principles May 2013 – A
Sierra Leone: Human Rights Commission	A	May 2011

Institution	*Status*	*Year reviewed*
South Africa: Human Rights Commission	A	1999 – A(R) 2000 October 2007 November 2012
Togo: *Commission nationale des droits de l'homme*	A	1999 – A(R) 2000 October 2007 November 2012 – deferred to May 2013 May 2013 – A
Uganda: Human Rights Commission	A	2000 – A(R) 2001 April 2008 May 2013 – A
United Republic of Tanzania: Commission for Human Rights and Good Governance	A	2003 – A(R) October 2006 – A October 2011 – A*
Zambia: Human Rights Commission	A	2003 – A(R) October 2006 October 2011
Americas		
Argentina: *Defensoría del Pueblo*	A	1999 October 2006 October 2011
Bolivia (Plurinational State of): *Defensor del Pueblo*	A	1999 – (B) 2000 – A March 2007 March 2012
Canada: Canadian Human Rights Commission	A	1999 October 2006 May 2011
Chile: *Instituto Nacional de Derechos Humanos*	A	November 2012
Colombia: *Defensoría del Pueblo*	A	2001 October 2007 March 2012 – A*
Costa Rica: *Defensoría de los Habitantes*	A	1999 October 2006 October 2011
Ecuador: *Defensor del Pueblo*	A	1999 – A(R) 2002 April 2008 – A; recommended to be accredited B; given one year to establish compliance with the Paris Principles March 2009 – A March 2015 – A
El Salvador: *Procuraduría para la Defensa de los Derechos Humanos*	A	April 2006 May 2011

Institution	*Status*	*Year reviewed*
Guatemala: *Procuraduría de los Derechos Humanos*	A	1999 – (B) 2000 – A(R) 2002 April 2008 May 2013 – A
Haiti: Office for the Protection of Citizens	A	November 2013
Mexico: *Comisión Nacional de los Derechos Humanos*	A	1999 October 2006 October 2011
Nicaragua: *Procuraduría para la Defensa de los Derechos Humanos*	A	April 2006 May 2011
Panama: *Defensoría del Pueblo*	A	1999 October 2006 November 2012
Peru: *Defensoría del Pueblo*	A	1999 March 2007 March 2012
Venezuela (Bolivarian Republic of): *Defensoría del Pueblo*	A	2002 April 2008 May 2013 March 2014 – special review in October 2014 October 2014 – special review deferred to March 2015 March 2015 – recommended to be accredited B, given one year to establish compliance with the Paris Principles
Europe		
Albania: People's Advocate	A	2003 – A(R) 2004 November 2008 November 2013 – deferred to October 2014 October 2014 – A
Armenia: Human Rights Defender	A	April 2006 – A(R) October 2006 – A October 2011 – deferred to November 2012 November 2012 – deferred to May 2013 May 2013 – A
Azerbaijan: Human Rights Commissioner (Ombudsman)	A	October 2006 October 2010 – deferred to May 2011 May 2011 – recommended to be accredited B, given one year to establish compliance with the Paris Principles March 2012 – A

Institution	*Status*	*Year reviewed*
Bosnia and Herzegovina: Institution of Human Rights Ombudsmen	A	2001 – A(R) 2002 – A(R) 2003 – A(R) November 2009 – recommended to be accredited B; given one year to establish compliance with the Paris Principles October 2010 – A
Croatia: Ombudsman	A	April 2008 May 2013
Denmark: Danish Institute for Human Rights	A	1999 – (B) 2001 October 2007 – A November 2012
Finland: Finnish National Human Rights Institution	A	October 2014 – A
France: *Commission nationale consultative des droits de l'homme*	A	1999 October 2007 November 2012 – deferred to May 2013 May 2013 – A
Georgia: Public Defender's Office	A	October 2007 November 2012 – deferred to May 2013 May 2013 – A
Germany: German Institute for Human Rights	A	2001 – A(R) 2002 – A(R) 2003 November 2008 November 2013 – deferred to October 2014 March 2015 – deferred to November 2015 November 2015 – A
Great Britain (United Kingdom): Equality and Human Rights Commission	A	November 2008 – A October 2010, special review – A November 2015 – A
Greece: National Commission for Human Rights	A	2000 – A(R) 2001 October 2007 – A* November 2009 – A* March 2010 – A* March 2015 – deferred to first session of 2016
Hungary: Commissioner for Fundamental Rights	A	November 2013 – deferred to October 2014 October 2014 – A
Ireland: Irish Human Rights and Equality Commission	A	November 2015 – A
Latvia: Ombudsman of the Republic of Latvia	A	March 2015 – A

Institution	*Status*	*Year reviewed*
Luxembourg: *Commission consultative des droits de l'homme*	A	2001 – A(R) 2002 March 2009 – A* November 2009 – A* October 2010 – A November 2015 – A
Netherlands: Netherlands Institute for Human Rights	A	March 2014
Northern Ireland (United Kingdom): Human Rights Commission	A	2001 – (B) May 2011
Poland: Human Rights Defender	A	1999 October 2007 November 2012
Portugal: *Provedor de Justiça*	A	1999 October 2007 November 2012
Russian Federation: Commissioner for Human Rights in the Russian Federation	A	2000 – (B) 2001 – (B) November 2008 – A November 2013 – deferred to October 2014 October 2014 – A
Scotland (United Kingdom): Scottish Human Rights Commission	A	November 2009 – deferred to March 2010 March 2010 – A March 2015 – A
Serbia: Protector of Citizens	A	March 2010 – A March 2015 – A
Spain: *El Defensor del Pueblo*	A	2000 October 2007 November 2012
Ukraine: Ukrainian Parliament Commissioner for Human Rights	A	April 2008 – (B) March 2009 – A March 2014 – deferred to October 2014 October 2014 – A

"B" status institutions (29)

Institution	*Status*	*Year reviewed*
Americas		
Honduras: *Comisionado Nacional de los Derechos Humanos*	B	2000 October 2007 – (A) October 2010 – special review; recommended to be accredited B; given one year to establish compliance with the Paris Principles October 2011 – B
Asia and the Pacific		
Bangladesh: National Human Rights Commission	B	May 2011 March 2015 – B

Institution	*Status*	*Year reviewed*
Iraq: High Commission for Human Rights	B	March 2015 – B
Maldives: Human Rights Commission	B	April 2008 March 2010
Myanmar: Myanmar National Human Rights Commission	B	November 2015 – B
Oman: National Human Rights Commission	B	November 2013
Sri Lanka: Human Rights Commission	B	2000 October 2007 March 2009
Thailand: National Human Rights Commission	B	2004 November 2008 November 2013 – deferred to March 2014 March 2014 – deferred to October 2014 October 2014 – recommended to be accredited B; given one year to establish compliance with the Paris Principles November 2015 – B
Central Asia		
Kazakhstan: The Commissioner for Human Rights	B	March 2012
Kyrgyzstan: The Ombudsman	B	March 2012
Tajikistan: The Human Rights Ombudsman	B	March 2012
Africa		
Algeria: *Commission nationale de promotion et de protection des droits de l'homme*	B	2000 – A(R) 2002 – A(R) 2003 – A March 2009 – B March 2010 – deferred to October 2010 October 2010 – B
Chad: *Commission nationale des droits de l'homme*	B	2000 – A(R) 2001 – A(R) 2003 – A(R) November 2009 – B
Congo: *Commission nationale des droits de l'homme*	B	October 2010
Ethiopia: Ethiopian Human Rights Commission	B	November 2013
Libya: National Council for Civil Liberties and Human Rights	B	October 2014 – B

Institution	*Status*	*Year reviewed*
Mali: *Commission nationale des droits de l'homme*	B	March 2012
Senegal: *Comité sénégalais des droits de l'homme*	B	2000 October 2007 – A* October 2010 – deferred to May 2011 May 2011 – deferred to October 2011 October 2011 – recommended to be accredited B; given one year to establish compliance with the Paris Principles November 2012 – B
Tunisia: *Comité supérieur des droits de l'homme et des libertés fondamentales*	B	November 2009
Europe		
Austria: The Austrian Ombudsman Board	B	2000 May 2011
Bulgaria: Commission for Protection Against Discrimination	B	October 2011
Bulgaria: The Ombudsman	B	October 2011
Cyprus: Commissioner for Administration and Human Rights	B	November 2015 – B
Norway: Norwegian Centre for Human Rights	B	2003 – A(R) 2004 – A(R) 2005 – A(R) April 2006 May 2011 – deferred to October 2011 October 2011 – recommended to be accredited B; given one year to establish compliance with the Paris Principles November 2012 – B
Republic of Moldova: Human Rights Centre	B	November 2009
Slovakia: Slovak National Centre for Human Rights	B	2002 – C October 2007 March 2012 – Accreditation lapsed due to non-submission of documentation March 2014 – B
Slovenia: Human Rights Ombudsman	B	2000 March 2010
Sweden: Equality Ombudsman	B	May 2011
The former Yugoslav Republic of Macedonia: The Ombudsman	B	October 2011

"C" status institutions (10)

Institution	*Status*	*Year reviewed*
Africa		
Benin: *Commission béninoise des droits de l'homme*	C	2002
Madagascar: *Commission nationale des droits de l'homme*	C	2000 – A(R) 2002 – A(R) 2003 – A(R) April 2006 – status withdrawn October 2006 – C
Americas		
Antigua and Barbuda: Office of the Ombudsman	C	2001
Barbados: Office of the Ombudsman	C	2001
Puerto Rico (United States of America): *Oficina del Procurador del Ciudadano del Estado Libre Asociado de Puerto Rico*	C	March 2007
Asia and the Pacific		
Hong Kong, China: Equal Opportunities Commission	C	2000
Iran (Islamic Republic of): Islamic Human Rights Commission	C	2000
Europe		
Romania: Romanian Institute for Human Rights	C	March 2007 May 2011
Switzerland: Federal Commission for Women's Issues	C	March 2009
Switzerland: Federal Commission against Racism	C	1998 – (B) March 2010 – C

Suspended institutions

Institution	*Status*	*Year reviewed*
Asia and the Pacific		
Fiji: Human Rights Commission	Suspended Note: The Commission resigned from the then International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights on 2 April 2007	2000 (A) March 2007 – accreditation suspended; documents to be submitted at October 2007 session 2 April 2007 – The Commission resigned from the then International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
Africa		
Niger: Commission nationale des droits de l'homme et des libertés fondamentales	Removed Note: Dissolved in February 2010	March 2010 – removed further to its dissolution in February 2010
Americas		
Paraguay: *Defensoría del Pueblo*	Suspended Note: The *Defensoría* resigned from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights on 10 July 2014	2003 November 2008 November 2013 – deferred to March 2014 March 2014 – deferred to October 2014 October 2014 – suspended

Institutions whose accreditation has lapsed

Institution	*Status*	*Year reviewed*
Africa		
Burkina Faso: *Commission nationale des droits humains*		2002 – A(R) 2003 – A(R) 2005 – B March 2012 – accreditation lapsed due to non-submission of documentation

Dissolved institutions

Institution	*Status*	*Year reviewed*
Europe		
Belgium: The Centre for Equal Opportunities and Opposition to Racism		December 2014 – The institution has been transformed into two separate institutions: The Interfederal Centre for Equal Opportunities and Opposition to Discrimination and Racism; and The Federal Centre for the Analysis of Migration Flows

United Nations A/HRC/33/35

General Assembly

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Human Rights Council
Thirty-third session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Workshop on effective, inclusive and participatory mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies

Note by the Secretariat

1. In its resolution 30/24, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to organize, prior to the thirty-second session of the Council, an expert workshop to discuss effective, inclusive and participatory mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies and to prepare a summary report on the workshop for submission to the Council at its thirty-third session.

2. In consultation with the sponsors of the above-mentioned resolution, the workshop has been postponed. It is expected to take place prior to the thirty-third session of the Human Rights Council and the report will be submitted to the Council at its thirty-fourth session.

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General Assembly

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Thirty-third session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Situation of human rights and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, submitted pursuant to Human Rights Council resolution 30/26, the United Nations High Commissioner for Human Rights reports on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo from June 2015 to May 2016. The report assesses the progress made by the Government in implementing the previous recommendations made by the United Nations High Commissioner for Human Rights and other United Nations human rights mechanisms.

The High Commissioner welcomes the improvements made in the legislative framework for human rights protection, including through the incorporation of the provisions of the Rome Statute and the ratification of the Convention on the Rights of Persons with Disabilities. The High Commissioner welcomes the fact that the members of the National Human Rights Commission have taken office and that progress has been made in combating impunity.

Nevertheless, the human rights situation remains of great concern throughout the country. The United Nations Joint Human Rights Office has observed that the highest number of human rights violations and abuses continues to occur in the east, committed by members of over 30 armed groups as well as by soldiers of the Armed Forces of the

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Democratic Republic of the Congo (Forces armees de la Republique democratique du Congo — FARDC). The Office has also observed a growing incidence of human rights abuses in the western provinces, including in Kinshasa. These consist of serious violations of fundamental freedoms committed by members of the police force, the National Intelligence Agency and other government officials, mainly targeting political opponents, human rights defenders and protesters, and attests to a deplorable narrowing of the democratic space. Such developments are particularly worrisome and could undermine the credibility of the political dialogue and the electoral process.

The High Commissioner encourages the Government to implement all the recommendations made in the present report and reaffirms the willingness of his Office to support the authorities' efforts to protect and promote human rights.

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I. Introduction

1. Pursuant to Human Rights Council resolution 30/26 of 2 October 2015 on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo, the present report provides an overview of the situation of human rights and the activities carried out in the country by the Office of the United Nations High Commissioner for Human Rights (OHCHR), through the United Nations Joint Human Rights Office, between June 2015 and May 2016.

2. The present report highlights the main human rights developments and assesses the progress made in implementing the recommendations of OHCHR and the United Nations human rights mechanisms.

II. Main human rights developments

3. During the reporting period, considerable progress was observed, particularly at the legislative and institutional levels. On 2 January 2016, the President of the Republic promulgated legislation on the implementation of the Rome Statute and, on 28 September 2015, the Democratic Republic of the Congo ratified the Convention on the Rights of Persons with Disabilities. The High Commissioner welcomes the fact that the members of the National Human Rights Commission took office on 23 July 2015. He also notes some progress in the fight against impunity, including the conviction of a senior superintendent of the Congolese national police (PNC) for acts constituting crimes against humanity committed by personnel under his command.

4. The human rights situation remains of serious concern throughout the country, however. The east — particularly the conflict-affected areas — remains marked by the greatest number of human rights violations and abuses, principally committed by members of more than 30 armed groups, but also by soldiers of the Forces armées de la République démocratique du Congo (FARDC) in military operations against these groups.

5. In the western provinces, steadily growing restrictions on the political space have been observed throughout the reporting period, including offences against freedom of expression, opinion, association and peaceful assembly, mainly in provinces where opposition parties and civil society are particularly active. PNC members and FARDC soldiers have applied excessive force and have resorted to the use of lethal weapons during the suppression of demonstrations and other gatherings. Arbitrary arrest and detention, incommunicado detention of protesters and political opponents, including persons who had announced their candidatures for the upcoming presidential election and of human rights defenders, journalists and other civil society representatives, are also cause for concern.

A. Fundamental freedoms and protection of human rights defenders, journalists and political opponents

6. The Human Rights Committee recommended that the Government guarantee freedom of speech and of the press and other media, in conformity with article 19 (3) of the International Covenant on Civil and Political Rights,[1] and that any restriction on press and media activities be strictly compatible with the Covenant. The Committee requested the Government to ensure that the freedoms of expression and peaceful assembly are respected

[1] CCPR/C/COD/CO/3, para. 22.

and that members of political parties, journalists and human rights defenders are able to carry out their activities freely, in conformity with international standards. At the thirty-first session of the Human Rights Council, the Special Rapporteur on the situation of human rights defenders and other rapporteurs regretted the lack of cooperation by the authorities, which had responded to only one of their communications.

I. Current situation and action taken by the Government

7. During the reporting period, State actors were responsible for a great many violations of fundamental freedoms. The United Nations Joint Human Rights Office documented 553 human rights violations related to the restriction of democratic activities nationwide between June 2015 and May 2016, mainly in provinces where opposition parties and civil society actors are particularly active, and in the towns of Kinshasa, Lubumbashi, Kalemie, Bukavu and Goma.

8. The most frequently documented violations concerned the right to liberty and security of the person and the freedoms of peaceful assembly, expression and opinion. The victims were mainly members of opposition political parties (482 victims) and representatives of civil society (200 victims). Those who are alleged to have committed the violations recorded are mainly members of PNC and of the National Intelligence Agency (ANR).

9. In the pre-electoral context, restrictions on civil liberties, threats and intimidation against members of political parties and civil society and journalists, arbitrary arrests and detentions and executive interference in the administration of justice are particularly worrying developments. This trend, notably increasing since January 2015, is likely to affect the credibility of the electoral process, particularly as, to the knowledge of the Office, only one agent of the State has been investigated or prosecuted for acts constituting such violations.

10. On 14 December 2015, Parliament adopted a law establishing modalities for ensuring the freedom to demonstrate, subject to prior notice, in accordance with the Constitution and international law. However, the Office of the President has returned the text to Parliament for review.

11. Since then, general prohibitions on demonstrations were enacted by local authorities, for example in Kalemie, Lubumbashi and Bandundu, in violation of the principles of necessity and proportionality. The Office has observed that different principles are applied by the local authorities and security forces, depending on the political affiliation of the organizers. In fact, demonstrations by the opposition and civil society are in most cases prohibited, while those of the presidential majority are generally permitted.

12. By way of example, at least 12 events planned by opposition groups and civil society in several cities throughout the country on 26 May 2016 have been banned by the administrative authorities concerned, although prior notice of these events was given. Their purpose was to call for the organization of elections within the constitutional time frame and to condemn recurrent massacres in Beni, North Kivu province. They followed a ruling by the Constitutional Court on 11 May 2016, interpreted by many as authorizing the current President to remain in power beyond the end of his term, until a new President may take office.

A/HRC/27/5, para. 134-134.

According to the Constitution, presidential and legislative elections must be held before the end of 2016.

13. During the demonstrations of 26 May, the Office documented 77 human rights violations nationwide. In four cities, demonstrations were held without incident, with good police oversight, but in 16 other cities, the local administrative authorities and/or the Congolese national police impeded or violently dispersed the demonstrations (the majority of which had been banned). Two people were shot dead by agents of the national police force and 18 persons were injured in these events, and 101 persons were arrested between 23 and 26 May 2016 in connection with the demonstrations. Nine of them were still being detained when this report was drafted in June 2016. Moreover, at least two staff members of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) were threatened by members of the National Intelligence Agency while they were observing the events in the course of their work.

14. Persons who had declared their candidacy for the presidential election were subjected to intimidation. For example, on 14 February 2016, members of FARDC and the National Intelligence Agency arrested national deputy Martin Fayulu, president of the opposition party Engagement pour la citoyennete et le developpement (Commitment to Citizenship and Development) at party headquarters in Kinshasa, then beat him when he resisted arbitrary arrest. He was detained for a few hours at military intelligence headquarters for distributing leaflets advocating a day of protest ("dead town") on 16 February.

15. In June 2016, 59 persons who had been arrested in connection with the exercise of their fundamental freedoms or for political reasons were still in detention, including in pretrial detention, in Lubumbashi, Goma and Kinshasa. The citizen's movement Lutte pour le changement (Struggle for Change) (LUCHA) was targeted in particular, with at least 15 members convicted by the courts for exercising their fundamental freedoms. In the case of Fred Bauma, arrested in Kinshasa on 15 March 2015 by PNC and ANR agents during a workshop organized by Platform Filimbi, his trial for participation in an insurrectional movement and endangering State security is ongoing. The Working Group on Arbitrary Detention adopted an opinion stating that the ongoing detention of Fred Bauma was arbitrary and that it began when he was exercising his freedom of expression and opinion.[7] The Working Group requested the Government to release him without delay and to remedy the serious material and non-material damage that he has suffered. Several special rapporteurs, including those on torture and other cruel, inhuman or degrading treatment or punishment and on the situation of human rights defenders, have expressed concern about this case and others submitted to them.

16. Little progress has been observed in strengthening the role of women in the electoral process. Positive initiatives to promote equality and parity include improvements in the legislative framework, such as an amendment to the Family Code aimed at abolishing all discriminatory provisions, as well as Act No. 15/013 of 1 August 2015 on the implementation of women's rights and equality, which stipulates, inter alia, that women must be represented in the political and administrative field, although it includes no quota or binding measures to ensure parity, as provided for in the Constitution. Women are still underrepresented in political positions, at both the national and municipal levels. For example, during the elections of governors and vice-governors of 21 new provinces in March 2016, only one woman was elected Governor, in the province of North Ubangi, and five were elected Vice-Governors, in the provinces of Tshuapa, Equateur, Haut Katanga, Haut Lomami and Lualaba.

[7] A/HRC/WGAD/2015/31, paras. 20 and 21.

Article 14 of the Constitution of the Democratic Republic of the Congo (February 2006) states: "Women have the right to equitable representation in national, provincial and local institutions. The State shall ensure parity between men and women in such institutions."

2. Action taken by the United Nations Joint Human Rights Office

17. The Office continued to monitor the cases of representatives of civil society who were arrested during demonstrations and meetings in Kinshasa.[7] The health of Christopher Ngoy Mutamba, president of the NGO Synergies Congo, culture et developpement (Congo, culture and development synergies), who was arrested on 21 January 2015 in Kinshasa and held incommunicado by the National Intelligence Agency until he was brought before the court on 10 February 2015, has deteriorated significantly. He is in pretrial detention in Kinshasa and his trial is still ongoing.

18. From June 2015 to May 2016, the Office organized or supported 60 training sessions on human rights topics pertaining to the electoral process throughout the country, benefiting over 4,132 participants, including representatives of civil society, political and administrative authorities, PNC officers, journalists and political stakeholders.

19. The Office has also provided legal support and targeted, multifaceted protection assistance and dealt with 115 cases of threats and human rights violations against 54 human rights defenders, 8 journalists and 53 other victims and witnesses of violations. The lack of a national legal protection framework can lead to serious violations, such as on 17 March 2016, in Bukavu, where a human rights defender who was the coordinator of the NGO Organisation populaire pour la paix was killed in his home by armed men wearing the uniform of the Congolese national police.

20. Although no significant progress has been made on the adoption of a bill on the protection of human rights defenders, the Office has been involved with the adoption in South Kivu province of an edict to protect human rights defenders and journalists, including through technical support to the steering committee on the edict and through awareness-raising efforts.

B. Arbitrary deprivation of the right to life

21. The Human Rights Committee has recommended that the Government should investigate any forced disappearance or arbitrary execution reported to it and prosecute and punish the perpetrators, advocating the granting of adequate compensation to the families of the victims.[8]

1. Current situation and action taken by the Government

22. The United Nations Joint Human Rights Office has documented the commission of extrajudicial killings and arbitrary deprivation of life by State agents, including in areas not affected by conflict. From June 2015 to May 2016, State agents were responsible for at least 41 violations of the right to life in the western part of the country, with 56 victims.

23. The majority of these extrajudicial executions and other violations of the right to life were committed by members of FARDC (53 per cent) and the Congolese national police (43 per cent) and involved the unjustified or disproportionate use of force or firearms. For example, on 17 April 2016, during a peaceful demonstration in Kolwezi, members of the Congolese national police and FARDC soldiers fired at the crowd with live ammunition, killing 6 people and injuring 22. Eight national police officers and three FARDC soldiers were arrested during the investigation of these incidents.

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[7] A/HRC/30/32.

[8] Edict No. 001/2016 of 10 February 2016 on the protection of human rights defenders and journalists in South Kivu province.

[9] CCPR/C/COD/CO/3, para. 15.

2. Action taken by the United Nations Joint Human Rights Office

24. The Office has continued its advocacy of inquiries into all human rights violations, particularly the cases of extrajudicial killings submitted monthly to the authorities concerned, so that the alleged perpetrators can be prosecuted and brought to trial. However, there has been no movement on several cases, including some involving the prosecution of police officers and members of the Republican Guard who, during the demonstrations in Kinshasa and Goma in January 2015, shot and killed at least 20 people.

C. Torture and other cruel, inhuman or degrading treatment

25. The Committee against Torture invited the Government to take effective measures to prevent any acts of torture throughout the country and called for steps to be taken to eliminate impunity for alleged acts of torture.[7] The Working Group on the Universal Periodic Review (UPR) recommended that the Government should establish, pursuant to article 3 of the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment, an independent national mechanism for the prevention of torture that would be empowered to visit all places of detention. The Special Rapporteur on torture regretted the lack of response from the Government to the communications submitted to it and recalled that prolonged incommunicado detention may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.[8]

1. Current situation and action taken by the Government

26. During the reporting period, the Office identified 822 cases of torture and other cruel, inhuman or degrading treatment or punishment affecting 1,473 victims throughout the country. 57 per cent of the violations were committed by State agents and 43 per cent by armed groups.

27. Some victims were abducted by members of the security forces, including the National Intelligence Agency, and then held incommunicado: they were intimidated, beaten and deprived of food or sleep to force them to confess or to sign incriminating documents. Such was the case of Fred Bauma and Christopher Ngoy Mutamba, mentioned previously.

28. Members of armed groups have also subjected civilians to mutilation and cruel treatment during attacks on villages. For example, in Vututu (Irumu territory, Ituri province), during the night of 24 to 25 October 2015, a group of around 40 combatants of the Forces de résistance patriotique d'Ituri attacked two miners on whom they inflicted injuries to make them disclose the spot where they had hidden their gold.

29. The military courts have handed down convictions for cases of torture committed by members of the defence and security forces. For example, on 3 June 2016, the Uvira garrison military court found a FARDC commander guilty of torture, sentencing him to two years' imprisonment together with the payment of a fine, damages to the victim and court costs.

2. Action taken by the United Nations Joint Human Rights Office

30. The Office has continued to monitor and report to the authorities cases of torture and other cruel, inhuman or degrading treatment or punishment that have been documented throughout the country, particularly in places of detention. The practice by the intelligence

[7] CAT/C/DRC/CO/1, para. 6 (a) and (b).
[8] A/HRC/31/57/Add.1, para. 105.

services of incommunicado detention, including of political opponents or influential members of civil society, which has been observed on several occasions, is worrying.

31. In 2010, the Democratic Republic of the Congo ratified the Optional Protocol to the Convention against Torture, which requires the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment. Nevertheless, the mechanism has not yet been set up.

32. Despite the legislative framework, which includes the 2011 Act on the criminalization of torture, the number of convictions for acts of torture remains low, particularly because of ignorance of the law within the judiciary and among the general public. Through its outreach efforts, the Office continues to support the dissemination of such legislation.

D. Sexual abuse

33. In 2014, during the universal periodic review of the Democratic Republic of the Congo, it was recommended that the Government should strictly enforce the 2006 law on sexual violence and its zero tolerance, prosecute all perpetrators of such abuses, regardless of their rank, and take appropriate measures to reduce and eradicate incidents of sexual and gender-based violence, including by improving the training of the security forces. The creation of mechanisms capable of preventing all forms of violence against women and of adequate remedies for victims was also recommended.

1. Current situation and action taken by the Government

34. Sexual violence remains a major concern in the Democratic Republic of the Congo because of social practices that perpetuate it and because it continues to be used as a weapon of war by parties to the conflict in the east. During the reporting period, the United Nations Joint Human Rights Office documented 635 victims of rape in conflict-affected provinces, including North Kivu, South Kivu and Ituri, 76 per cent of the victims had been raped by members of armed groups and nearly 24 per cent by State agents. Among the main perpetrators of rape are various factions of Raia Mutomboki, followed by members of the Forces de resistance patriotique de l'Ituri and the Forces democratiques de liberation du Rwanda.

35. Victims of sexual violence continue to endure lack of access to health and legal services and lack of redress and compensation. Comprehensive care (medical, psychological, legal and economic) is available only in some urban areas and their surroundings; elsewhere, it remains insufficient or inadequate. In remote areas where the judicial system is absent or poorly represented, amicable agreements — financial or other (including marriage) — are commonly employed to "close" cases, without the victim's rights being restored.

36. Nevertheless, some progress has been made in the fight against sexual violence, including conflict-related sexual violence. During the reporting period, the military justice system convicted at least 126 perpetrators of conflict-related sexual violence, including FARDC soldiers, national police officers and four ex-combatants of the Mouvement du 23 mars (M23), the sentences ranging from 1 to 20 years' imprisonment.

37. On 20 October 2015, the Office of the Personal Representative of the President on sexual violence and the recruitment and use of children launched a second campaign, called "Break the silence", in the provinces of North and South Kivu, in order to encourage

[1] A/HRC/27/5, paras. 134.60, 134.68, 134.71, 134.85 and 134.116.

victims and all citizens to denounce and combat sexual assault. In his speech on the state of the nation, on 14 December 2015, the President renewed his commitment to attain the "morally acceptable objective [of] zero rape" and emphasized the achievements of the military justice system in sentencing rapists, regardless of their rank or grade. The authorities [7] have also stressed the importance of creating a fund for compensation for victims, but little progress has been made in setting it up.

38. The legislative framework has been improved, including by the adoption, pursuant to article 14 of the Constitution, of Act No. 15/013 of 1 August 2015 on the implementation of women's rights and equality, the objectives of which include protection against violence against women in public and private life. The High Commissioner welcomes the adoption of the Act of 31 December 2015 amending and supplementing the decree of 6 August 1959 on the Code of Criminal Procedure, in particular with regard to the rights and protection of the accused, victims, witnesses and intermediaries.

2. Action taken by the United Nations Joint Human Rights Office

39. The Office has continued to support the work of NGOs to establish legal clinics in order to improve access to justice for victims. Twenty-three legal clinics have been set up in 13 provinces; they have provided free legal assistance to at least 921 victims of sexual violence, leading to 231 convictions. The Office has also provided legal assistance and/or appropriate protection to 72 victims of sexual violence perpetrated by members of the Congolese national police and/or FARDC.

40. Throughout the country, the Office has organized training on forensic expertise in cases of sexual violence for 132 physicians and on the treatment of such cases for 81 judicial police officers and 120 lawyers. With the support of the Team of Experts on the Rule of Law and Sexual Violence in Conflict (hereinafter the Team of Experts), the Office has facilitated the deployment of 19 women magistrates in special cells for the punishment of crimes of sexual and gender-based violence within the district prosecution offices in the provinces of Ituri, North and South Kivu and Tanganyika.

41. The Office has also assisted the military courts, in collaboration with the Team of Experts, in developing protective measures for victims of sexual violence and for witnesses. On 1 and 2 December 2015, a high-level conference organized in Kinshasa by the Team of Experts in collaboration with the United Nations Joint Human Rights Office brought together international and national experts (including 50 representatives of the judicial, executive and legislative powers) to discuss a legal framework to better protect victims.

E. Protection of civilians

42. The Human Rights Committee has urged the Government to take all necessary steps to strengthen its capacity to protect civilians in areas of armed conflict. [8] During the universal periodic review in 2014, the Government was also advised to take concrete steps to eliminate all negative forces operating in the eastern part of the country.

[7] Including the Office of the Personal Representative of the President on sexual violence and the recruitment and use of children, two commissions of the Senate and experts from the Ministry of Justice and Human Rights.

[8] CCPR/C/COD/CO/3, para. 13.

1. Current situation and action taken by the Government

43. In the eastern part of the country, civilians remain vulnerable to the continued armed conflict between the Congolese army and various armed groups. The parties to the conflict have been responsible for numerous violations committed by armed groups, including at least 328 summary executions, with 674 victims. Armed groups were identified by the United Nations Joint Human Rights Office as being responsible for 43 per cent of the violations and human rights abuses committed in the country (1,980 violations) during the period covered by the present report.

44. Gaps in the protection of civilians were particularly evident during two serious events that occurred in Lubero territory, North Kivu, in the context of ethnic conflicts between the Nande communities (supported by the Mai-Mai wing of Nduma Defence of Congo in a coalition with the Union des patriotes pour la defense des innocents) and the Hutu communities (supported by the Forces democratiques de liberation du Rwanda). Between January and February 2016, 22 civilians were killed and 15 people injured in these clashes, which have also led to abductions and the destruction of at least 982 houses in several villages.

45. Moreover, systematic attacks were launched by the Allied Democratic Forces, mainly in Beni territory in North Kivu, but also in Irumu territory in Ituri. During these attacks, at least 82 civilians were killed, 8 injured, and at least 17 abducted. In addition, two health centres and a pharmacy were looted and burned.

46. In both cases, FARDC soldiers also committed serious human rights violations, even though they had been deployed to protect populations and eradicate the armed groups. For example, on 7 January 2016, in the village of Miriki (North Kivu), at least one civilian was killed and three others were wounded by bullets by soldiers of the 2nd Battalion of the 3401st FARDC Regiment during peaceful demonstrations organized by the local population to protest abuses by armed groups.

47. The authorities in North Kivu have adopted interim measures to restrict freedom of movement, including the closure of sites for displaced persons. Although these measures are aimed at improving the security situation after the attacks on civilians in Beni territory, they expose displaced persons to many more risks, including reprisals by local communities or security forces that suspect them of collaborating with the "enemy". Seven sites for displaced persons, including six in Masisi territory, will be affected by the measures, according to information that is still unconfirmed; they currently house 20 per cent of the displaced persons living in sites in North Kivu.[37]

2. Action taken by the United Nations Joint Human Rights Office

48. The protection of civilians remains a central priority of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and of the United Nations Joint Human Rights Office.[38] The mandate of MONUSCO has been extended to violence committed in the context of elections.[39]

49. During the reporting period, the United Nations Joint Human Rights Office continued its monitoring and investigation activities in the conflict-affected areas. These activities, carried out with other sections of MONUSCO, including its military component,

[37] As of 25 March 2016, 223,613 displaced persons were living in 53 sites in North Kivu (Camp Coordination and Camp Management Cluster).

[38] S/RES/2277(2016), para. 29 (a) and 33.

[39] S/RES/2277(2016), para. 35 (i) (a).

helped to better document the abuses committed and have also facilitated early warning of other abuses through their deterrent effect on some combatants from armed groups.

3. Due diligence with regard to human rights and the role of the United Nations Joint Human Rights Office

50. The reporting period was marked by the application of the new procedure for implementation of the due diligence policy with regard to human rights, adopted on 21 May 2015 by MONUSCO and the country team and managed by a secretariat under the Director of the Office. This procedure focuses in particular on assessing the risk of human rights violations by non-United Nations defence and security forces to which MONUSCO could provide logistical and/or operational support. It reinforces dialogue with the authorities to ensure that these risks are better taken into account in the joint planning of military support, so that appropriate prevention measures are adopted. The risk assessment is carried out with the help of expertise from different units of MONUSCO and United Nations specialized agencies. It helps to place in perspective the risks and benefits of support, in order to calculate the impact on the fulfilment of the Mission's mandate, including the protection of civilians and the fight against impunity.

51. During the reporting period, the Mission identified models for risk mitigation measures, including by means of support to military operations. These measures are being implemented. MONUSCO has sometimes denied support to units or officers when it has found that there was a previous history of serious violations, that the risk of recurrence of such violations was high or that sufficient preventive measures were not taken. The secretariat of the due diligence policy with regard to human rights conducted 272 risk assessments related to requests for support by the Congolese national police and FARDC in relation to 1,301 individuals. Information gathered by the Office as part of its monitoring and investigation functions proved crucial to MONUSCO in terms of its ability to assess and provide support to military operations.

F. Fight against impunity

52. The Human Rights Committee has called on the Government to ensure that all human rights violations brought to its attention are investigated and that those responsible for them are duly punished.[37] During the universal periodic review in 2014, it was recommended that the Government should take measures to combat impunity by adapting national legislation to the Rome Statute and that it should apply a policy of zero tolerance to persons who have committed violations of human rights and of international humanitarian law.

1. Current situation and action taken by the Government

53. Important developments have been observed in the fight against impunity during the reporting period. According to information made available to the United Nations Joint Human Rights Office, at least 246 FARDC soldiers and 78 officers of the Congolese national police were convicted in the Democratic Republic of the Congo for acts constituting human rights violations.[38]

54. For example, on 16 September 2015, the High Military Court upheld the conviction of Colonel Mukalayi for the murder of human rights defender Floribert Chebeya and his driver on 2 June 2010, but reduced his sentence to 15 years' imprisonment. Colonel

[37] CCPR/C/COD/CO/3, para. 10.

[38] These are figures covering the period from June 2015 to April 2016.

Mukalayi was sentenced to pay US$ 50,000 to the families of the victims for pecuniary and non-pecuniary damages and US$ 5,000 to the NGO Voix des Sans Voix. Moreover, the court acquitted four police officers prosecuted in the same case.

55. On 30 October 2015, the military court of Maniema, sitting in Kindu, found senior police superintendent Amuri Mpia Abraham guilty of crimes against humanity, including rape and torture, perpetrated in May 2012 in Dembo (territory of Kibombo, Maniema) by officers of the mobile response unit of the Congolese national police who were under his command. He was sentenced to 10 years' imprisonment. The Office provided financial support for the legal representation of the victims during the trial.

56. On 28 March 2016, the garrison military court of Kinshasa/Gombe started the trial of 14 FARDC soldiers repatriated from United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and charged with rape, inter alia. This procedure is an encouraging step forward by the judicial authorities in combating impunity for human rights violations. However, it raises particular challenges, including with respect to the distance from locations where the violations were committed. The ongoing procedure is taking place in the absence of the alleged victims, who are participating neither as civil parties, nor as witnesses, something which could jeopardize the right to a fair trial and the granting of remedies to victims. The trial has now been suspended to allow for the identification of victims and their potential participation.

57. The United Nations Joint Human Rights Office, the Justice and Corrections Section of MONUSCO, the United Nations Development Programme, the Expert Group and the International Centre for Transitional Justice assisted in the organization of three events attended by the judicial authorities, during which 17 priority cases of prosecution by military courts were identified in the provinces of Ituri, Tshopo, North Kivu and South Kivu.

58. On the legislative front, the most significant development has been the promulgation on 2 January 2016 by the President of the Republic of legislation on the implementation of the Rome Statute, which Parliament had been expected to adopt in 2008. The text supplements the existing legislative framework by incorporating definitions of international crimes into the Criminal Code, removing incorrect definitions of these crimes in the Military Criminal Code, abolishing immunity for such crimes for officials and other personalities, including the President of the Republic and members of Parliament, and providing that there can be no amnesty for international crimes.

59. Several challenges remain in the fight against impunity and for the administration of justice, however. The rate of prosecution of senior officers remains low due to an inadequate legal framework and certain institutional barriers, including the military operational courts. Problems also persist with regard to the independence of the judiciary and the prison system. These challenges were identified and discussed at a forum on the justice system in 2015, but the resulting recommendations have yet to be applied.

60. The right to appeal the decisions of military courts in accordance with the Judicial Code does not apply to the military operational courts,[7] whose decisions are those of both upper and lower courts, in flagrant disregard for the right to a fair trial and fundamental safeguards such as the right of appeal, even though these are recognized in the Constitution.

61. The independence of the judiciary remains a major concern. By way of illustration, with certain exceptions, military judges cannot prosecute or adjudicate cases against military officers who outrank them, which reduces the chances that high-ranking military

[7] Arts. 87 and 276 of the Judicial Code (Act No. 023/2002 of 18 November 2002). Article 87 provides that "the rulings handed down by the military operational courts are not subject to any remedy."

officers will be brought to trial. Furthermore, the lack of human and financial resources exposes the judiciary to the risk of money changing hands for certain acts and is not conducive to judicial independence. This institutional fragility opens the door to interference in the judiciary, often seen as a tool for muzzling political opposition, civil society and the media, particularly in the current electoral context, when violations of rights and fundamental freedoms are increasing. Such is the case for members of the above-mentioned LUCHA movement, who have frequently been subjected to judicial proceedings since March 2015.

62. Weaknesses in the prison system constitute another major obstacle to combating impunity: mass escapes are frequent because of negligence and the corruption of guards and are facilitated by dilapidated infrastructure. During the reporting period, at least 1,044 individuals escaped from prisons throughout the country.

63. It is regrettable that, despite the enactment of laws on the implementation of the Rome Statute of the International Criminal Court,[7] the death penalty still exists under domestic legislation, including for international crimes. Despite the fact that a moratorium has been observed since 2003, the death penalty continues to be imposed by civilian and military courts.

2. Action taken by the United Nations Joint Human Rights Office

64. The Office has continued to assist the judicial authorities in the fight against impunity by providing technical and logistical support to investigators and judges deployed to areas where human rights violations have been committed and to which access is difficult. Support was provided by the Office for 13 joint investigation missions and to 22 itinerant courts in cases involving human rights violations, 12 of which concerned sexual violence. The proceedings resulted in 74 convictions. In the case concerning an attack on the village of Yalisika (Equateur) by members of FARDC and the Congolese national police, during which human rights violations were committed against the inhabitants, the Military Court of Equateur received logistical and technical support from the Office after receiving a complaint about theft by the logging company SIFORCO. From 5 June to 14 December 2015, the Office also provided assistance to victims and witnesses in Mbandaka.

65. From 15 to 16 March 2016, the Office and the International Center for Transitional Justice organized a conference on regional judicial cooperation in combating impunity for international crimes in the Great Lakes region. This event was attended by civilian and military judges as well as experts from the Democratic Republic of the Congo, Uganda, Rwanda and Tanzania. The conference was organized to examine the procedures that could be applied to requests for mutual legal assistance and extradition and to establish liaison among the national authorities involved in these procedures.

III. Cooperation with United Nations human rights mechanisms and national mechanisms to promote and protect human rights

A. Action to implement universal periodic review recommendations

66. With support from the United Nations Joint Human Rights Office and with the collaboration of civil society, the Government continued to carry out activities and to

[7] The Democratic Republic of the Congo ratified the Rome Statute on 11 April 2002.

undertake measures in the course of implementing the recommendations that emerged from the second universal periodic review cycle in May 2014. On 21 December 2015, during a press briefing, the Minister of Justice and Human Rights announced a public outreach campaign concerning the plan for carrying out the recommendations and commitments arising from the universal periodic review. On 17 December 2015, he asked the Prime Minister to request the ministers affected by the various recommendations to ensure their implementation.

67. Following the ratification, in September 2015, of the Convention on the Rights of Persons with Disabilities, the Ministry for Social Affairs, Humanitarian Action and National Solidarity, in collaboration with the Ministry of Public Health and with technical support from the United Nations Joint Human Rights Office, organized two workshops for members of the steering committee in charge of the organization of the forum on the situation of persons with disabilities, in September and November 2015. These workshops focused on the collection of data on the situation of persons with disabilities and on the rights of persons with disabilities. On 20 and 21 May 2016, a five-year plan (2016-2021) for the promotion and protection of the rights of persons with disabilities was adopted during a workshop organized by the Ministry of Social Affairs, Humanitarian Action and National Solidarity with the collaboration of the national fund for promotional efforts and social services.

68. In July and August 2015, with technical and financial support from the United Nations Joint Human Rights Office, the interministerial Committee on Human Rights, which works within the Ministry of Justice and Human Rights, undertook missions in the eastern provinces and in Kinshasa in order to collect data on the situation with regard to torture for inclusion in the second periodic report to the Committee against Torture.

B. Update on national mechanisms for the protection and promotion of human rights

1. National Human Rights Commission

69. Following the approval by the Constitutional Court of the rules of procedure of the National Human Rights Commission, the members of the Commission were sworn in by the Court on 23 July 2015, officially instituting the Commission. Members of its staff, including 10 provincial coordinators, were subsequently recruited. A permanent headquarters is to be assigned to it.

70. In April and May 2016, with technical support from United Nations Joint Human Rights Office and the headquarters of the Office of the High Commissioner for Human Rights, as well as financing from the Republic of Korea, the Commission undertook a series of national consultations in the course of developing a strategic plan.

71. Under its protection mandate, the Commission has carried out two monitoring missions with support from the United Nations Joint Human Rights Office, including an investigation into the problem of LUCHA in Goma. It has also engaged in other protection activities such as the consideration of complaints, investigations into alleged violations of human rights in Kinshasa and in the provinces, visits to places of detention and observation of the trials of human rights defenders.

72. Because the Commission has not yet been accredited, it cannot attend sessions of the Human Rights Council. Nevertheless, in October 2015, with support from the United Nations Joint Human Rights Office, the Vice-Chair and Rapporteur of the Commission undertook a mission to Geneva in the context of cooperation with international human rights mechanisms. From 21 to 23 March 2016, in collaboration with the Office of the High

Commissioner for Human Rights, the United Nations Joint Human Rights Office facilitated the participation of the Rapporteur of the Commission in the twenty-ninth session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, held in Geneva.

2. Other national mechanisms

73. Considerable efforts are needed to make the human rights liaison bodies operational and effective. The Ministry of Justice and Human Rights has undertaken to reactivate the national human rights liaison institution in 2016, including by appointing six new members of its permanent secretariat. However, by the time this report was drafted, no significant change in the secretariat had been observed. The same holds true for provincial and local institutions.

74. The unit for the protection of human rights defenders, established by ministerial order in 2011 within the General Secretariat of the Ministry of Justice and Human Rights, is still not operational, having not received budgetary resources.

IV. Conclusions and recommendations

A. Conclusions

75. During the reporting period, the human rights situation was marked by a gradual shrinkage of the democratic space, together with a steady increase in attacks on fundamental freedoms. The intervention of State agents in suppressing political opponents and other civil society actors — including through the excessive use of force against demonstrators, arbitrary arrests and incommunicado detentions without judicial supervision, threats and other intimidation — is particularly worrying with the approach of an important electoral period. In the eastern part of the country, the conflict continues to have a heavy impact on the human rights situation.

76. Some encouraging progress has been seen, particularly in the legislative arena, in the fight against impunity. Nevertheless, structural problems in the judiciary, particularly its lack of independence when dealing with cases against political opponents and civil society actors and cases involving high-ranking officials, have engendered a low rate of prosecution for human rights violations.

B. Recommendations

77. **The High Commissioner hereby recommends to the Government of the Democratic Republic of the Congo:**

(a) To guarantee the protection of the fundamental freedoms of all persons, including political opponents, journalists and other civil society actors; and to ensure that any restrictions on these freedoms comply with the principles of legality, necessity and proportionality;

(b) To ensure that effective impartial, independent and prompt investigations are carried out, that those responsible for violations or abuses of human rights are systematically brought before the courts and that the victims, including victims in cases of sexual violence, receive due reparation without delay;

(c) To set up judicial mechanisms and possibly other transitional justice mechanisms to combat impunity regarding violations or past and present abuses; and

to enable the judicial system, both civilian and military, to function independently, without any interference;

(d) To speed up the implementation of the recommendations of the final report from the justice forum, particularly those related to the reform of the judicial and security sectors and the fight against impunity;

(e) To adopt the bill on the protection of human rights defenders; and to enact the law establishing measures for ensuring freedom of demonstration, in accordance with international standards, including the principle of non-discrimination;

(f) To improve and increase the participation of women in the political sphere, including by the adoption of special temporary measures;

(g) To continue its efforts to implement the plan of action concerning FARDC, aimed at eliminating and preventing the recruitment of children and sexual abuse;

(h) To establish a national mechanism for the prevention of torture, in accordance with the Optional Protocol to the Convention against Torture;

(i) To ensure that the National Human Rights Commission becomes fully operational, including by allocating to it the necessary financial and material resources and by guaranteeing its independence, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(j) To strengthen the national institutions and mechanisms in charge of the coordination and monitoring of implementation of the recommendations of the United Nations human rights mechanisms;

(k) To strengthen its collaboration with the United Nations Joint Human Rights Office, MONUSCO and other partners, in order to improve the protection of human rights in the country.